A COLLECTION OF
TREATIES, ENGAGEMENTS AND SANADS

RELATING TO INDIA AND NEIGHBOURING COUNTRIES

COMPILED BY

C U AITCHISON, B C S,

UNDER SECRETARY TO THE GOVERNMENT OF INDIA
IN THE FOREIGN DEPARTMENT

VOL. XIV

CONTAINING

THE TREATIES, &c, RELATING TO EASTERN TURKISTAN, TIBET, NEPAL, BHUTAN AND SIAM

Revised and continued up to 1929 by the authority of the Foreign and Political Department

CALCUTTA GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
1929

Price Rs. 4-12 or 8s.

Government of India Publications are obtainable from the Government of India Central Publication Branch, 3, Government Place, West, Calcutta, and from the following Agents :—

EUROPE.

OFFICE OF THE HIGH COMMISSIONER FOR INDIA, 42, GROSVENOR GARDENS, LONDON, S.W. 1.

And at all Booksellers

INDIA AND CEYLON : Provincial Book Depots.

MADRAS :—Superintendent, Government Press, Mount Road, Madras.
BOMBAY :—Superintendent, Government Book Depot, Town Hall, Bombay.
SIND :—Library attached to the Office of the Commissioner in Sind, Karachi.
BENGAL :—Bengal Secretariat Book Depot, Writers' Buildings, Room No. 1, Ground Floor, Calcutta.
UNITED PROVINCES OF AGRA AND OUDH :—Superintendent of Government Press, United Provinces of Agra and Oudh, Allahabad.
PUNJAB :—Superintendent, Government Printing, Punjab, Lahore.
BURMA :—Superintendent, Government Printing, Burma, Rangoon.
CENTRAL PROVINCES AND BERAR :—Superintendent, Government Printing, Central Provinces, Nagpur.
ASSAM :—Superintendent, Assam Secretariat Press, Shillong.
BIHAR AND ORISSA :—Superintendent, Government Printing, Bihar and Orissa, P. O. Gulzarbagh, Patna.
COORG :—Office of the Chief Commissioner of Coorg, Bangalore.
NORTH-WEST FRONTIER PROVINCE :—Manager, Government Printing and Stationery, Peshawar.

Thacker, Spink & Co., Calcutta and Simla.
W. Newman & Co., Ltd., Calcutta.
R. Cambray & Co., Calcutta.
S. K. Lahiri & Co., Calcutta.
The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
Butterworth & Co. (India), Ltd., Calcutta.
Rai M. C. Sarcar Bahadur & Sons, 90-2A, Harrison Road, Calcutta.
Standard Literature Company, Limited, Calcutta.
Association Press, Calcutta.
Chukervertty, Chatterjee & Co., Ltd., 13, College Square, Calcutta.
The Book Company, Calcutta.
James Murray & Co., 12, Government Place, Calcutta. (For Meteorological Publications only.)
Ray Chaudhury & Co., 68-5, Ashutosh Mukerji Road, Calcutta.
Scientific Publishing Co., 9, Taltola Lane, Calcutta.
Chatterjee & Co., 204, Cornwallis Street, Calcutta.
Standard Law Book Society, 8-2, Hastings Street, Calcutta.
The Hindu Library, 3, Nandalal Mallick Lane, Calcutta.
B. C. Basak, Esq., *Proprietor, Albert Library*, Dacca.
Mitra Brothers, Rajshahi.
Higginbothams, Madras.
Rochouse and Sons, Madras.
G. A. Nateson & Co., Publishers, George Town, Madras.
Theosophical Publishing House, Adyar, Madras.
P. Varadachary & Co., Madras.
S. Murthy & Co., Madras.
Bright & Co., Trivandrum.
The Booklover's Resort, Taikad, Trivandrum, South India.
E. M. Gopalakrishna Kone, Pudumandapam, Madura.
Central Book Depot, Madura.
Vijapur & Co., Vizagapatam.
Thacker & Co., Ltd., Bombay.
D. B. Taraporevala Sons & Co., Bombay.
Sunder Pandurang, Bombay.
Ram Chandra Govind & Sons, Kalbadevi Road, Bombay.
N. M. Tripathi & Co., Booksellers, Princess Street, Kalbadevi Road, Bombay.
New and Secondhand Bookshop, Kalbadevi Road, Bombay.
Mrs. Radhabai Atmaram Sagoon, Kalbadevi Road, Bombay.
J. M. Pandia & Co., Bombay.
Gatulal & Co., Bombay.
A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.
S. Govind & Co., Sandhurst Road, Girgaum, Bombay.
Proprietor, New Kitabkhana, Poona.
The Manager, Oriental Book Supplying Agency, 15, Shukrawar, Poona City.
Rama Krishna Bros., Opposite Vishrambag, Poona City.
S. P. Bookstall, 21, Budhwar, Poona.
Mangaldas & Sons, Booksellers and Publishers, Bhaga Talao, Surat.
The Standard Book and Stationery Co., 32-33, Arbab Road, Peshawar.
R. B. Umadikar & Co., The Bharat Book Depot, Dharwar.
The Standard Bookstall, Karachi, Quetta, Delhi, Murree and Rawalpindi.
The Karachi Book Depot, Elphinstone Street, Camp, Karachi.
The English Bookstall, Karachi.
The Standard Bookstall, Quetta.
U. P. Malhotra & Co., Quetta.
J. Ray & Sons, 43, K. & L., Edwardes Road, Rawalpindi, Murree and Lahore.
The Standard Book Depot, Lahore, Nainital, Mussoorie, Dalhousie, Ambala Cantonment and Delhi.
N. B. Mathur, Supdt., Nazir Kanun Hind Press, Allahabad.
The North India Christian Tract and Book Society, 18, Clive Road, Allahabad.
Ram Dayal Agarwala, 184, Katra, Allahabad.
The Indian Army Book Depot, Juhi, Cawnpore.
The Indian Army Book Depot, Jullundur City.
Manager, Newal Kishore Press, Lucknow.
The Upper India Publishing House, Ltd., Literature Palace, Ammuddaula Park, Lucknow.
Rai Sahib M. Gulab Singh & Sons, Mufid-i-Am Press, Lahore and Allahabad.
Rama Krishna & Sons, Booksellers, Anarkali, Lahore.
Puri Brothers, Booksellers and Publishers, Katcheri Road, Lahore.
The Tilak School Bookshop, Lahore.
The Standard Bookstall, Lahore.
The Proprietor, Punjab Sanskrit Book Depot, Saidmitha Street, Lahore.
The Insurance Publicity Co., Ltd., Lahore.
The Punjab Religious Book Society, Lahore.
Manager of the Imperial Book Depot, 63, Chandni Chowk Street, Delhi.
Fono Book Agency, New Delhi.
Oxford Book and Stationery Company, Delhi and Calcutta.
Supdt., American Baptist Mission Press, Rangoon.
The Modern Publishing House, Ltd., 30, Phayre Street, Rangoon.
Burma Book Club, Ltd., Rangoon.
Manager, The "Hitavada," Nagpur.
Bhisey Brothers, Booksellers and Stationers, Sitabaldi, Nagpur.
S. C. Talukdar, Proprietor, Students & Co., Cooch Behar.
The Manager, Ceylon Observer, Colombo.
The Manager, The Indian Book Shop, Benares City.
Nandkishore & Bros., Chowk, Benares City.
The Srivilliputtur Co-operative Trading Union, Ltd., Srivilliputtur (S. I. R.).
Raghunath Prasad & Sons, Patna City.
The Students' Emporium, Patna.
K. L. Mathur & Bros., Guzri, Patna City.
Dandekar Brothers, Indore City.
Pustakalaya Sahayak Sahakari, Ltd., Baroda.
The Hyderabad Book Depot, Chaderghat, Hyderabad (Deccan).
Thakur & Co., Amraoti.
S. Krishnaswami & Co., Teppakulam P. O., Trichinopoly Fort.
National College Teachers' Union Book Depot, Trichinopoly.

CONTENTS.

PART I.

TREATIES AND ENGAGEMENTS RELATING TO EASTERN TURKISTAN

PART II.

TREATIES AND ENGAGEMENTS RELATING TO TIBET.

PART III

TREATIES AND ENGAGEMENTS RELATING TO NEPAL

PART IV.

TREATIES AND ENGAGEMENTS RELATING TO BHUTAN.

PART V.

TREATIES AND ENGAGEMENTS RELATING TO SIAM

SIAM—*continued.*

SIAM—*concluded*

right of Chinese Consular representation in Russia. The Protocol of Tchuguchak,* signed in 1864, defined in detail the northern and eastern boundaries of Russian and Chinese Turkistan.

In 1862 occurred the great Mohammedan insurrection of the Western Provinces of China, Shensi and Kansu, which spread until it embraced the whole of Eastern Turkistan. Full advantage was taken of the revolt by the Khojas, and Buzruk Khan, son of the temporarily successful conqueror of 1826, advanced from Tashkent with a small force, was received with open arms by the Mohammedan population and proclaimed as Khan. Rival candidates were put down by the energy and skill of Buzruk Khan's Commander, Yakub Beg, an adventurer of low origin who had accompanied him from Tashkent: and in 1866 the latter deposed his master and became ruler of Kashgaria under the title of Yakoob Khan Badaulat. Yakoob Khan proved himself an able and astute ruler. His independence was recognised by Russia in 1872 and subsequently by the British Government and by the Sultan of Turkey, who conferred upon him the title of " Amir-al-muminin " or Commander of the Faithful.

While Yakoob Beg was consolidating his position in the country south of the Thian Shan, Russia in 1871 occupied the Ili (Kuldja) District to the North, in order to put a stop to the prevailing anarchy and bloodshed. In taking this step, however, the Russian Government promised to return the territory to China should the latter become capable of re-establishing order in her Central Asian Dominions.

In 1869 Yarkand and Kashgar were visited by Messrs. Shaw and Hayward, who were received with kindness by the Amir Yakoob: and towards the end of the same year the latter sent an envoy to India to express his wish for the establishment of friendly relations with the British Government, the development of trade, and the visit of a British officer to his capital. Accordingly a mission, composed of Mr. Forsyth (Bengal Civil Service), Mr. Shaw and Dr. Henderson, proceeded to Yarkand in 1870; but, the Amir being engaged in quelling a Tungan (Chinese Mohammedan) attack on his eastern frontier, had to return to India without seeing him.

In 1872 a Russian Mission visited Kashgar and a Commercial Treaty was concluded between the Russians and the Amir Yakoob by which the former received the privilege of trading without molestation in the Amir's dominions, subject to a maximum import duty of 2½ per cent. on Russian goods.

Early in 1873 the Amir sent Sayid Yakoob Khan Tora as his envoy to India and Constantinople. As a result of this visit a second mission, again under Mr. Forsyth, was despatched which reached Kashgar in De-

* Hertslet's China Treaties, Vol. I, Page 472.

cember 1873 and, in February 1874, successfully concluded a Commercial Treaty (No I) between the British Government and the Amir

The mission returned to India in the summer of 1874 but owing to delays from various causes the ratifications of the treaty were not exchanged till October 1876 when the Amir's envoy arrived at Simla on a fresh mission

The question of deputing a permanent agent to Kashgar in accordance with the Treaty was under consideration when in July 1877 news was received of the Amir's [illegible] The Chinese Government had made a remarkable military ef[illegible]ing a march across the Gobi desert to reconquer th[illegible] of their initial military successes was [illegible]t of deserters and prisoners in sharp [illegible] lopted by the Amir towards his own [illegible]he latter on the 28th May 1877 [illegible]

right of Chinese Consular representation in Russia. The Protocol of Tchuguchak,* signed in 1861, defined in detail the northern and eastern boundaries of Russian and Chinese Turkistan.

In 1862 occurred the great Mohammedan insurrection of the Western Provinces of China, Shensi and Kansu, which spread until it embraced the whole of Eastern Turkistan. Full advantage was taken of the revolt by the Khojas, and Buzruk Khan, son of the temporarily successful conqueror of 1826, advanced from Tashkent with a small force, was received with open arms by the Mohammedan population and proclaimed as Khan. Rival candidates were put down by the energy and skill of Buzruk Khan's Commander, Yakub Beg, an adventurer of low origin who had accompanied him from Tashkent: and in 1866 the latter deposed his master and became ruler of Kashgaria under the title of Yakoob Khan Badaulat. Yakoob Khan proved himself an able and astute ruler. His independence was recognised by Russia in 1872 and subsequently by the British Government and by the Sultan of Turkey, who conferred upon him the title of "Amir-al-muminin" or Commander of the Faithful.

While Yakoob Beg was consolidating his position in the country south of the Thian Shan, Russia in 1871 occupied the Ili (Kuldja) District to the North, in order to put a stop to the prevailing anarchy and bloodshed. In taking this step, however, the Russian Government promised to return the territory to China should the latter become capable of re-establishing order in her Central Asian Dominions.

In 1869 Yarkand and Kashgar were visited by Messrs. Shaw and Hayward, who were received with kindness by the Amir Yakoob: and towards the end of the same year the latter sent an envoy to India to express his wish for the establishment of friendly relations with the British Government, the development of trade, and the visit of a British officer to his capital. Accordingly a mission, composed of Mr. Forsyth (Bengal Civil Service), Mr. Shaw and Dr. Henderson, proceeded to Yarkand in 1870; but, the Amir being engaged in quelling a Tungan (Chinese Mohammedan) attack on his eastern frontier, had to return to India without seeing him.

In 1872 a Russian Mission visited Kashgar and a Commercial Treaty was concluded between the Russians and the Amir Yakoob by which the former received the privilege of trading without molestation in the Amir's dominions, subject to a maximum import duty of 2½ per cent. on Russian goods.

Early in 1873 the Amir sent Sayid Yakoob Khan Tora as his envoy to India and Constantinople. As a result of this visit a second mission, again under Mr. Forsyth, was despatched which reached Kashgar in De-

* Hertslet's China Treaties, Vol. I, Page 472.

In 1893 the Government of India stationed an officer in Kashgar under the designation of 'Special Assistant for Chinese Affairs to the Resident in Kashmir' In 1904 the post was altered to that of His Britannic Majesty's Consul but was not recognised as a Consulate by the Chinese Government until 1908 The appointment was raised to that of a Consul General in 1911 under the designation of His Britannic Majesty's Consul General for the New Dominion and Kobdo

In 1912 the outbreak of the great republican revolution in China made itself felt in the Province The Ili (Kuldja) District rose at once in a successful revolt in favour of the republican party, but Kashgaria remained quiet until the news of the final complete victory of the republic led to disturbances against the officials of the old regime many of whom including the Provincial Governor and the Taotai of Kashgar were murdered These disturbances were however entirely confined to the Chinese, the native population took no part in them and the safety of foreigners in the country was never threatened though the Russians seized the opportunity to strengthen their Kashgar Consulate escort up to a force of some 800 Cossacks

The Province was little affected by the outbreak or the progress of the Great War until the Russian Revolution of 1917 which led to the withdrawal in 1920 of the Russian Consul General and the practical cessation of all trade or intercourse with Russia

In 1922 the Chinese Government announced the abrogation of the Russo Chinese Treaty of 1881† (Treaty of St Petersburg) thereby depriving British Indian Traders of the privilege of duty free import and export in Sinkiang a privilege which they had enjoyed in consequence of Article XII of the Treaty of St Petersburg† under the "most favoured nation" clause of the Treaty of Tientsin of 1858 * The relevant Articles of the latter Treaty will be found in Appendix No I

The Indian trade however though carried on under extraordinary physical difficulties received a very strong stimulus from the cessation of all Russian rivalry and continued to increase until the revival of intercourse with Russia

In September 1925 the Union of Soviet Socialist Republics appointed a Consul General at Urumchi a Consul at Kuldja and a Consul General at Kashgar There is also a Consul at *Tchuguchak* The Consul General at Kashgar has a large staff of assistants whose functions are largely those of trade agents and the Soviet Consulate deprived of the extra territorial rights possessed by its Tsarist predecessor now divides its work between the political propaganda inseparable from Soviet institutions and a rapidly growing import and export business The increas

* Hertslet's China Treaties Vol I Page 34
† Hertslet's China Treaties Vol I Page 488

nual subsidy of 800,000 taels from the Central Government; but this ceased on the establishment of the Republic.

Having organised her administration over the reconquered territory, the Chinese Government lost no time in reminding Russia of her promise of 1871 to restore the Kuldja district. An envoy was sent to St. Petersburg to negotiate for the retrocession of this part of the province, but the Russians insisted on retaining the rich Tekkes Valley and agreement was not reached until the signature of the Treaty of St Petersburg* in 1881. Under the terms of this Treaty the territory occupied by Russia in 1871 was returned to China with the exception of the Western portion of the Ili District, now formally incorporated in the Russian dominions, and the Chinese Government paid an indemnity of £1,431,661 sterling to recoup the Russian Government for expenditure incurred since 1871 in holding and administering the country. Other Articles of the same Treaty extended the existing right of Russian Consular representation to the towns of Kobdo, Urumchi Turfan, Hami and Guchen, permitted Russian subjects to carry on trade free of duty throughout the province of Turkistan and provided for a commission to demarcate the boundary between the Russian province of Ferghana and the western part of the Chinese district of Kashgar. The boundary commissioners met in 1881 and a protocol was exchanged under which the southernmost point of the boundary was fixed in the Uz Bel Valley (South East of the Great Kara Kul Lake which the commissioners decided, "is the terminus of the boundary line of the two countries the Russian boundary turning south-west and the Chinese boundary due south". This protocol should have left a triangular piece of land on the Pamirs unclaimed by either Russia or China actually an advance by the Chinese, followed by their hasty evacuation before an Afghan counter advance, led to a Russian military occupation of this tract in 1892 and the establishment of the Sarikol range i e , the watershed between the Oxus and Yarkand Rivers, as the *de facto* Russo-Chinese boundary. This boundary has never been confirmed by treaty, but was tacitly accepted by the Anglo-Russian Commission of 1895 which proceeded to the Pamirs in order to delimit the Russo-Afghan boundary.

The Indo-Chinese frontier on the side of Eastern Turkistan has never been fixed by treaty. The State of Kanjut or Hunza was at one time under a vague Chinese suzerainty and still possesses rights of grazing and cultivation in portions of Chinese territory. The Mir of Hunza, according to a custom of long standing, sends agents yearly to Kashgar to exchange presents with the Taoyin as the chief local representative of the Chinese Government.

* Hertslet's China Treaties Vol I, Page 483.

In 1893 the Government of India stationed an officer in Kashgar under the designation of "Special Assistant for Chinese Affairs to the Resident in Kashmir" In 1904 the post was altered to that of His Britannic Majesty's Consul, but was not recognised as a Consulate by the Chinese Government until 1908 The appointment was raised to that of a Consul General in 1911 under the designation of His Britannic Majesty's Consul-General for the New Dominion and Kobdo

In 1912 the outbreak of the great republican revolution in China made itself felt in the Province The Ili (Kuldja) District rose at once in a successful revolt in favour of the republican party, but Kashgaria remained quiet until the news of the final complete victory of the republic led to disturbances against the officials of the old regime many of whom including the Provincial Governor and the Taotai of Kashgar were murdered These disturbances were however, entirely confined to the Chinese, the native population took no part in them and the safety of foreigners in the country was never threatened though the Russians seized the opportunity to strengthen their Kashgar Consulate escort up to a force of some 800 Cossacks

The Province was little affected by the outbreak or the progress of the Great War until the Russian Revolution of 1917 which led to the withdrawal in 1920 of the Russian Consul General and the practical cessation of all trade or intercourse with Russia

In 1922 the Chinese Government announced the abrogation of the Russo Chinese Treaty of 1881† (Treaty of St Petersburg) thereby depriving British Indian Traders of the privilege of duty free import and export in Sinkiang a privilege which they had enjoyed in consequence of Article XII of the Treaty of St Petersburg† under the "most favoured nation" clause of the Treaty of Tientsin of 1858 * The relevant Articles of the latter Treaty will be found in Appendix No I

The Indian trade however though carried on under extraordinary physical difficulties received a very strong stimulus from the cessation of all Russian rivalry and continued to increase until the revival of intercourse with Russia

In September 1925 the Union of Soviet Socialist Republics appointed a Consul General at Urumchi, a Consul at Kuldja and a Consul-General at Kashgar There is also a Consul at Tchuguchak The Consul General at Kashgar has a large staff of assistants whose functions are largely those of trade agents and the Soviet Consulate, deprived of the extra territorial rights possessed by its Tsarist predecessor now divides its work between the political propaganda inseparable from Soviet institutions and a rapidly growing import and export business The increas

* Hertslet's China Treaties Vol I Page 31
† Hertslet's China Treaties, Vol I Page 483

ing trade with Russia is having a considerable effect on the trade with India, and the latter is likely to continue to decrease.

In contrast with China proper, peace and order were maintained in the province of Sinkiang throughout the sixteen years following the revolution of 1912. This was entirely due to the strong rule of Governor Yang-Tseng-Hsin, who was careful to keep aloof from all factions in China. After the capture of Peking by the Southern "Nationalists" in 1928, however, he felt himself compelled to declare in their favour. In July 1928 he declared his government to be a Provincial Government under the new Central Government of Nanking, and announced that the Governor would in future be known as the Chairman (Chu-Hsi) and Commander-in-Chief (Tsung-Sze-Ling) of Sinkiang Province, and that Taoyins would be called Political Commissioners (Hsing-Cheng-Chang).

A few days later, on the 7th July 1928, his able rule was brought to an end by his assassination by a party headed by his Commissioner for Foreign Affairs. On the following day the latter and a number of his followers were captured and executed by one of the late Governor Yang's supporters, named Chin-Shu-Jen, who was provisionally elected Governor or Chairman by the local officials.

No I

TREATY between the BRITISH GOVERNMENT and HIS HIGHNESS the AMEER MAHOMED YAKOOB KHAN RULER of the TERRITORY of KASHGAR and YARKUND *his heirs and successors executed on the one part by* THOMAS DOUGLAS FORSYTH C B in virtue of full powers conferred on him in that behalf by HIS EXCELLENCY the RIGHT HON'BLE THOMAS GEORGE BARING BARON NORTHBROOK of STRATTON and a BARONET MEMBER OF the PRIVY COUNCIL of HER MOST GRACIOUS MAJESTY the QUEEN of GREAT BRITAIN and IRELAND, GRAND MASTER of the MOST EXALTED ORDER of the STAR of INDIA VICEROY and GOVERNOR GENERAL of INDIA in COUNCIL and on the other part by SYUD MAHOMED KHAN TOORAH Member of the 1st CLASS of the ORDER of MEDJEDIE etc , in virtue of full powers conferred on him by HIS HIGHNESS —1874

Whereas it is deemed desirable to confirm and strengthen the good understanding which now subsists between the high contracting parties and to promote commercial intercourse between their respective subjects the following Articles have been agreed upon —

ARTICLE 1

The high contracting parties engage that the subjects of each shall be at liberty to enter reside in trade with and pass with their merchandize and property into and through all parts of the dominions of the other and shall enjoy in such dominions all the privileges and advantages with respect to commerce protection or otherwise, which are or may be accorded to the subjects of such dominions or to the subjects or citizens of the most favored nation

ARTICLE 2

Merchants of whatever nationality shall be at liberty to pass from the territories of the one contracting party to the territories of the other with their merchandize and property, at all times and by any route they please no restriction shall be placed by either contracting party upon such freedom of transit unless for urgent political reasons to be previously communicated to the other and such restriction shall be withdrawn as soon as the necessity for it is over

ARTICLE 3

European British subjects entering the dominions of His Highness the Ameer for purposes of trade or otherwise must be provided with passports certifying to their nationality Unless provided with such passports they shall not be deemed entitled to the benefit of this Treaty

ARTICLE 4.

On goods imported into British India from territories of His Highness the Ameer by any route over the Himalayan passes which lie to the south of His Highness' dominions, the British Government engages to levy no import duties. On goods imported from India into the territories of His Highness the Ameer no import duty exceeding 2½ per cent. *ad valorem* shall be levied. Goods imported as above into the dominions of the contracting parties may, subject only to such excise regulations and duties and to such municipal or town regulations and duties as may be applicable to such classes of goods generally, be freely sold by wholesale or retail and transported from one place to another within British India and within the dominions of His Highness the Ameer respectively.

ARTICLE 5.

Merchandize imported from India into the territories of His Highness the Ameer will not be opened for examination till arrival at the place of consignment. If any disputes should arise as to the value of such goods, the Customs Officer or other officer acting on the part of His Highness the Ameer shall be entitled to demand part of the goods at the rate of one in forty in lieu of the payment of duty. If the aforesaid Officer should object to levy the duty by taking a portion of the goods, or if the goods should not admit of being so divided, then the point in dispute shall be referred to two competent persons, one chosen by the aforesaid Officer and the other by the importer, and a valuation of the goods shall be made, and if the referees shall differ in opinion, they shall appoint an arbitrator, whose decision shall be final, and the duty shall be levied according to the value thus established.

ARTICLE 6.

The British Government shall be at liberty to appoint a Representative at the Court of His Highness the Ameer and to appoint Commercial Agents subordinate to him in any towns or places considered suitable within His Highness' territories. His Highness the Ameer shall be at liberty to appoint a Representative with the Viceroy and Governor-General of India, and to station Commercial Agents at any places in British India considered suitable. Such Representative shall be entitled to the rank and privileges accorded to Ambassadors by the law of nations, and the Agents shall be entitled to the privileges of Consuls of the most favored nation.

ARTICLE 7.

British subjects shall be at liberty to purchase, sell, or hire land or houses or depots for merchandize in the dominions of His Highness the Ameer, and the houses, depots, or other premises of British subjects shall not be forcibly entered or searched without the consent of the occupier unless with the cognizance of the British Representative or Agent and in presence of a person deputed by him.

ARTICLE 8

The followıng arrangements are agreed to for the decision of cıvil suits and crımınal cases within the terrıtories of His Highness the Ameer ın which Brıtish subjects are concerned —

(a) Civil suits ın which both plaintiff and defendant are British subjects and criminal cases in which both prosecutor and accused are British subjects or in which the accused is an European British subject mentioned in the third Article of this Treaty shall be tried by the British Representative or one of his Agents in the presence of an Agent appointed by His Highness the Ameer

(b) Civil suits in which one party is a subject of His Highness the Ameer and the other party a British subject shall be tried by the Courts of His Highness in the presence of the British Representative or one of his Agents or of a person appointed in that behalf by such Representative or Agent

(c) Criminal cases in which either prosecutor or accused is a subject of His Highness the Ameer shall except as above otherwise provided be tried by the Courts of His Highness in presence of the British Representative or of one of his Agents or of a person deputed by the British Representative or by one of his Agents

(d) Except as above otherwise provided civil and criminal cases in which one party is a British subject and the other the subject of a foreign power shall if either of the parties is a Mahomedan be tried in the Courts of His Highness if neither party is a Mahomedan the case may with consent of the parties be tried by the British Representative or one of his Agents in the absence of such consent by the Courts of His Highness

(e) In any case disposed of by the Courts of His Highness the Ameer to which a British subject is party it shall be competent to the British Representative if he considers that justice has not been done to represent the matter to His Highness the Ameer who may cause the case to be retried in some other Court in the presence of the British Representative or of one of his Agents or of a person appointed in that behalf by such Representative or Agent

ARTICLE 9

The rights and privileges enjoyed within the dominions of His Highness the Ameer by British subjects under the Treaty shall extend to the subjects of all Princes and States in India in alliance with *Her Majesty the Queen* and if with respect to any such Prince or State any other provisions relating to this Treaty or to other matters should be considered desirable they shall be negotiated through the British Government

ARTICLE 10.

Every affidavit and other legal document filed or deposited in any Court established in the respective dominions of the high contracting parties, or in the Court of the Joint Commissioners in Ladakh, may be proved by an authenticated copy, purporting either to be sealed with the seal of the Court to which the original document belongs, or in the event of such Court having no seal, to be signed by the Judge or by one of the Judges of the said Court.

ARTICLE 11.

When a British subject dies in the territory of His Highness the Ameer his movable and immovable property situate therein shall be vested in his heir, executor, administrator, or other representative in interest or (in the absence of such representative) in the Representative of the British Government in the aforesaid territory. The person in whom such charge shall be so vested shall satisfy the claims outstanding against the deceased, and shall hold the surplus (if any) for distribution among those interested. The above provisions *mutatis mutandis* shall apply to the subjects of His Highness the Ameer who may die in British India.

ARTICLE 12.

If a British subject residing in the territories of His Highness the Ameer becomes unable to pay his debts or fails to pay any debt within a reasonable time after being ordered to do so by any Court of Justice, the creditors of such insolvent shall be paid out of his goods and effects; but the British Representative shall not refuse his good offices, if needs be, to ascertain if the insolvent has not left in India disposable property which might serve to satisfy the said creditors. The friendly stipulations in the present Article shall be reciprocally observed with regard to His Highness' subjects who trade in India under the protection of the laws.

This Treaty having this day been executed in duplicate and confirmed by His Highness the Ameer, one copy shall, for the present, be left in the possession of His Highness, and the other, after confirmation by the Viceroy and Governor-General of India, shall be delivered to His Highness within twelve months in exchange for the copy now retained by His Highness.

Signed and sealed at Kashgar on the second day of February in the year of our Lord 1874, corresponding with the fifteenth day of Zilhijj 1290 Hijree.

T. DOUGLAS FORSYTH,
Envoy and Plenipotentiary.

Whereas a Treaty for strengthening the good understanding that now exists between the British Government and the Ruler of the territory of Kashgar and Yarkund, and for promoting commercial intercourse between the two countries

was agreed upon and concluded at Kashgar on the second day of February in the year of Our Lord eighteen hundred and seventy four, corresponding with the fifteenth day of Zilhijj twelve hundred and ninety Hijree, by the Respective Plenipotentiaries of the Government of India and of His Highness the Ameer of Kashgar and Yarkund duly accredited and empowered for that purpose I, the Right Hon ble Thomas George Baring, Baron Northbrook of Stratton etc etc Viceroy and Governor General of India, do hereby ratify and confirm the Treaty aforesaid

Given under my hand and seal at Government House in Calcutta this thirteenth day of April in the year of Our Lord one thousand eight hundred and seventy four.

NORTHBROOK

PART II.

Treaties and Engagements

relating to

Tibet.

TIBET is divided into four main provinces viz —

U and Tsang—Central Tibet
Ngari Korsum—Western Tibet
Kham—Eastern Tibet
Chang Tang—Northern Tibet

The province of U contains the capital Lhasa which is the headquarters of the Dalai Lama and of the Deva Shung or Supreme Government of the country

Northern Tibet, that is to say about two thirds of the country is a barren desolate plateau but in the south the valleys are fertile and fairly populated, with ample pasturage for sheep and cattle

Of the extent of its mineral resources not much is known, but it is believed that gold, silver and iron abound in certain parts Salt is found in great quantities in the Chang district and the finest borax is produced in western Tibet Coal has been found but not in sufficient quantities to repay exploitation

The head of the State is the Dalai Lama or as he is generally known in the country the Gyalwa or Kyap gon Rimpoche This personage is believed by the Tibetans to be the incarnation of the Saint Padma Pani, and on the death of each Dalai Lama the re-incarnation of his spirit is sought for among the new born infants of the country During the minority of the infant Lama a regent, selected from the ecclesiastics of one of the Lhasa monasteries and known as the Po Gyalpo is appointed to administer the State Under the regent comes the Kasha or Council of State, consisting of four Sha-pe or ministers, usually laymen elected for life to transact political and administrative business, and hear appeals from the Jongpens or district officers and the Lhasa law

courts. This council is at times assisted in important matters by the National Committee composed of Generals, Financial Secretaries and other officials. The National Assembly, called the Tsong-du-Chembo, meets on occasion to discuss matters of grave national importance. Among the members of this Assembly are the Abbots of the three great Lhasa monasteries, Sera, Gaden, and Drepung, and delegates from the smaller Gompas of Lhasa and the province of U.

Of the early history of Tibet little is known; but it appears that during the seventh century the Chinese asserted their superiority over the Tibetans and penetrated to Lhasa. In 1206 Tibet was conquered by Jenghiz Khan, and in 1270 Kubilai Khan, the first Mongol Emperor of China, embraced Lamaism. But, though the Mongols and Chinese mastered the Tibetans by force of arms, the latter maintained a spiritual influence over their conquerors. During the fifteenth century an incarnation of the great reformer Tsong-ka-pa (who founded the yellow-cap or reformed school of Tibetan Buddhism) was installed at Lhasa as the first "Grand Lama," and built the great monastery of Tashi-lhunpo near Shigatse. One of his successors received the title of "Dalai Lama" from a Mongol prince. In 1640 the Mongols invaded Tibet and, having dethroned all the petty princes of the country, made the Dalai Lama supreme. He established himself at Lhasa, where he built the huge palace of the Potala. He was the first of the Priest-Kings, who combined in their own persons temporal as well as religious authority. In 1650 he visited China and was confirmed by the Manchu Emperor in the title of Dalai Lama.

In 1717 an army of Zungarians overran the country, but were expelled with the assistance of the Chinese, who thereupon secured their influence in Tibet by establishing two Ambans at Lhasa as representatives of the Emperor. In 1749 the Tibetans rebelled against the Ambans and massacred the Chinese, but an army was despatched from China and speedily restored order.

The first record of British dealings with Tibet was in 1774, when Warren Hastings despatched Mr. Bogle, of the Bengal Civil Service, on a mission to Shigatse, where he was received with great kindness by the Tashi Lama. In 1783 a second friendly mission was despatched to Shigatse under Captain Samuel Turner.

In 1792 the Gurkhas invaded the country by the Nyanam route, and marched straight upon the wealthy monastery of Tashi-lhunpo. The unprepared Tibetans fled in dismay, leaving the Gurkhas to plunder at will. Appeal to China brought an army to the assistance of the Tibetans. The invaders were driven back to Nepal, and a settlement was arranged.

In 1811 an Englishman named Thomas Manning visited Lhasa in disguise

In 1841 Gulab Singh Raja of Jammu, despatched an army under General Zorawar Singh, which marched up the valley of the Indus, plundered the monasteries of Hanle and Tashigong and took possession of the provinces of Rudok and Garo The Tibetans again turned to the Chinese who sent an army to their assistance The two armies met in December in the neighbourhood of the Manasarowar lakes After an engagement which lasted three days the Chinese succeeded in practically annihilating their foes The following year the Chinese advanced into Ladakh and laid siege to Leh but were compelled to retire to Rudok A treaty* was signed whereby the former boundary was established

The Maharaja of Kashmir sends a commercial Mission with presents to Lhasa every three years

In 1854 the Gurkhas on the pretext of ill treatment of Nepalese merchants in Lhasa again advanced across the Tibet frontier but the Tibetans held their own fairly well without Chinese assistance In 1856, owing to internal troubles in Nepal the Gurkhas withdrew their forces, and a treaty was signed whereby the Tibetan Government agreed to make an annual payment of Rs *10,000* to Nepal to permit the Nepal Government to establish a trading station at Lhasa and to maintain a representative there (*see* Nepal Part III)

In 1873 the Deputy Commissioner of Darjeeling, Mr (afterwards Sir John) Edgar was deputed to enquire into the possibility of re estab

* As on this auspicious day the 2nd of Asuj Sambat 1899 (16th or 17th September 1842 A D) we the officers of the Lhassa (Government) Kalon of Sokan and Bakhshi Shajpuh Commander of the Forces and two officers on behalf of the most resplendent Sri Khalsaji Sahib the asylum of the world King Sher Singhji and Sri Maharaj Sahib Raja i Rajagan Raja Sahib Bahadur Raja Gulab Singhji i e the Mukhtar ul Daula Diwan Hari Chand and the asylum of vizirs Vizir Ratnun in a meeting called together for the promotion of peace and unity and by professions and vows of friendship unity and sincerity of heart and by taking oaths like those of Kunjal Sahib have arranged and agreed that relations of peace, friendship and unity between Sri Khalsaji and Sri Maharaj Sahib Bahadur Raja Gulab Singhji and the Emperor of China and the Lama Guru of Lhassa will henceforward remain firmly established for ever and we declare in the presence of the Kunjak Sahib that on no account whatsoever will there be any deviation, difference or departure (from this agreement) We shall neither at present nor in future have anything to do or interfere at all with the boundaries of Ladakh and its surroundings as fixed from ancient times and will allow the annual export of wool, shawls and tea by way of Ladakh according to the old established custom

Should any of the opponents of Sri Sarkar Khalsaji and Sri Raja Sahib Bahadur at any time enter our territories, we shall not pay any heed to his words or allow him to remain in our country

We shall offer no hindrance to traders of Ladakh who visit our territories We shall not even to the extent of a hair's breadth act in contravention of the terms that we have agreed to above regarding firm friendship unity the fixed boundaries of Ladakh and the keeping open of the route for wool shawls and tea We call Kunjak Sahib, Kairi Lassi Zhoh Mahan, and Khushal Choh as witnesses to this treaty

The treaty was concluded on the 2nd of the month of Assuj Samat 1899 (16th or 17th September 1842 A D)

by which the former grazed their flocks in Tibet in the winter, and the latter grazed their flocks in Sikkim in the summer. His proceedings attracted the notice of the Chinese Government, and a special Imperial Resident, Yu T'ai, was sent with all speed to negotiate in a friendly spirit with Mr. White. It was agreed that the meeting should take place at Khamba Jong, and Major Younghusband, who had been appointed as British Commissioner and granted the local rank of Colonel, arrived there in July 1903. The Tibetans, however, refused to open negotiations and requested the mission to withdraw to Giagong, and began to collect troops to attack the mission. It was also reported that they had seized and put to death two British subjects.

On August 25th Lord Curzon addressed the Chinese Resident, pointing out that neither the Chinese nor Tibetan representatives, deputed to the frontier, were of suitable rank corresponding with that of Colonel Younghusband, and that both had shown themselves unfit for diplomatic intercourse: and requesting that either the Amban himself, or his colleague, should participate in the negotiations. The attitude assumed by the Tibetans continued antagonistic and, as Colonel Younghusband despaired of arriving at a peaceful solution until the Tibetans were convinced of the seriousness of the Government of India's intentions, sanction was accorded to the mission to proceed to Gyantse. The advance began on December 13th. The military escort to the mission consisted of three infantry regiments, two companies of sappers and miners, four guns, and a maxim gun section, under the command of Brigadier-General J. R. L. Macdonald. It proceeded through Phari to Tuna, meeting with no opposition. After a further halt and fruitless negotiations, an advance was made to Guru on the 31st March 1904. Here a force of about 2,000 armed Tibetans was found occupying an entrenched position blocking the road. An attempt to disarm them resulted in an attack by the Tibetans, which was easily repulsed. The mission reached Gyantse on April 11th, opposition being offered at the Dzam-trang gorge. On April 22nd a communication was received from the Amban stating that he would arrive at Gyantse in three weeks' time. On May 5th the camp at Gyantse was attacked by the Tibetans, who were repulsed with great loss.

As the Chinese delegates did not arrive within the period allowed them, it was decided that the mission should proceed to Lhasa. On Jul [illegible] e Jong [illegible] ntse was captured and the mission arrived at Lha [illegible] ust 2 [illegible] alai Lama h [illegible] fled, leaving the Gaden-Ti-[illegible] [illegible]; but it [illegible] certained that a satisfacto [illegible] ed with [illegible] n, by the consent of the N [illegible] t n [illegible] s. The Amban was

prepared to regard the Tashi Lama as head of the Buddhist Church in lieu of the Dalai Lama. On September 7th a Treaty (No. I) was signed at Lhasa under which the Tibetans were to pay a fine of 75 lakhs in annual instalments of one lakh. The mission returned to India without molestation. The convention was ratified on the 11th November but a Declaration (No. II) was appended to it which reduced the indemnity from 75 to 25 lakhs and declared that the British occupation of Chumbi should cease after payment of three instalments provided that the marts had been effectively opened for three years and that the Tibetans faithfully fulfilled the other terms of the convention. A British officer was sent shortly after as Trade Agent to Gyantse and an Indian officer to Gartok.

On the departure of the British mission the Chinese immediately took measures to assert their sovereignty over Tibet, and a force under Chao Erh Feng gradually subdued the whole of Eastern Tibet.

The Tashi Lama of Shigatse was invited to Calcutta on the occasion of the visit of the Prince of Wales in 1905. During the course of his stay the Tashi Lama, who was given a salute of 17 guns, paid formal visits to the Prince of Wales and the Viceroy and received the honour of return visits. In November 1905 the Galden Ti-Rimpochi (the Regent at Lhasa in the absence of the Dalai Lama) wrote to the Prince of Wales expressing his hope that the existing friendly relations between the two governments would prove everlasting. The Prince of Wales stated in his reply that it was the sincere wish of His Majesty the King that the friendly relations established should prove firm and durable.

A Convention (No. III) confirming the Lhasa convention of 1904 between Great Britain and Tibet was concluded between Great Britain and China at Peking on the 27th April 1906.

In 1907 a convention* was signed by Great Britain and Russia with reference to Asiatic questions. Both parties acknowledged the suzerainty of China over Tibet and agreed not to negotiate with Tibet except through the intermediary of China. Both agreed not to send representatives to Lhasa, not to seek concessions in Tibet, and not to allow Tibetan revenues to be pledged to either.

An important change in the system of Government of Tibet was introduced by the Chinese in 1907 in the appointment of Chief Ministers (Lonchen). At first 3 Chief Ministers were appointed but as these died they were not replaced. The last died in 1926. A relative of the Dalai Lama was then appointed Prime Minister.

In 1908 Trade Regulations were signed by the Tibetan, Chinese and British Plenipotentiaries (No. IV). The previous Trade Regulations

*See Vol. XIII—Persia.

(1893)* were reaffirmed. Boundaries of the Gyantse Trade Mart were fixed, rules regarding the lease of sites by British traders framed, and arrangements made regarding law and justice at the marts. The administration of the Gyantse and Yatung Trade Marts was to remain with the Tibetan officers under the supervision of the Chinese officers. The regulations were subject to revision after 10 years; but, though certain modifications were made as a result of the abortive Tripartite Convention of 1914, they still remain the basis of Indo-Tibetan trade arrangements.

In 1908 Chinese "Superintendents" were appointed at the Trade Marts, but their presence was not conducive to the furtherance of direct intercourse between the British and Tibetan Trade Agents.

In 1909 the Chinese Government suggested that Chinese troops should be allowed to travel to Tibet through Calcutta, but the suggestion was not entertained.

The Dalai Lama, who had fled on the approach of the British Mission in 1904, returned to Lhasa in December 1909. Within a few months, the Chinese Government issued a proclamation deposing him and gradually took over the administration of the greater part of the country.

The Dalai Lama fled from Lhasa in February 1910, pursued by Chinese troops. At the crossing of the Tsangpo they were held up by the Dalai Lama's bodyguard, and he eventually reached India safely. He and his Ministers pressed the Government of India for help against the Chinese, but they steadily refused to interfere.

Towards the end of 1911, when the news of the Chinese revolution became known, disturbances broke out amongst the Chinese in Lhasa and elsewhere, and some Chinese officers took refuge in the British Trade Agency. After some serious fighting in Lhasa, an agreement was reached in August 1912 by which the Chinese were to give up their arms and leave Tibet for China *viâ* India, receiving money and facilities for their journey. A large number of Chinese left, but some remained behind in breach of the agreement, and there was more fighting before these also left in December 1912.

A Tibetan Mission used to be sent annually to Peking to pay tribute to the Emperor of China but since 1912 this has been discontinued.

On the 26th October 1912 Yuan Shih Kai, the President of the Chinese Republic, issued a proclamation reinstating the Dalai Lama who he said had been dismissed by the Emperor of China.

Meanwhile the Dalai Lama had left Kalimpong for Tibet in the previous June, but owing to the renewed outbreak in Lhasa he remained

---

* See Vol. XII—Sikkim.

some time at Samding, a monastery near the Yamdrok Tso lake, and did not enter Lhasa until the 23rd January 1913.

In 1913 a conference of Tibetan, Chinese and British Plenipotentiaries met in India to try and bring about a settlement with regard to matters on the Sino-Tibetan Frontier and a Tripartite Convention was [illegible] up and initialled in 1914. The Chinese Government however [illegible] to permit their Plenipotentiary to proceed to full signature.

[illegible] he meantime there had been desultory fighting on the Chinese [illegible] and the Tibetans succeeded in recovering a large area which had [illegible] nquered by Chao Erh Feng. In August 1918, Mr Teichman [illegible] hinese Consular Service acting as intermediary effected a [illegible] agreement at Chamdo, under which a new frontier was provi[illegible] laid down and the number of troops that the Tibetans and [illegible] might maintain near it was limited. At Rongbatsa where the [illegible] and Tibetan troops were at close quarters and there was every [illegible] of an outbreak of hostilities Mr Teichman concluded a supple[illegible] agreement under which both the Tibetans and Chinese agreed [illegible] raw their troops from the frontier and not to move them back [illegible] ar. These agreements were subject to confirmation. Though [illegible] observed in practice, they did not receive formal recognition [illegible] Chinese Government.

[illegible] 20 at the pressing invitation of the Dalai Lama Sir Charles [illegible] to Lhasa and stayed for about a year.

[illegible] the Tibetan Government engaged the late Sir Henry Hayden [illegible] Director General of the Geological Survey of India to [illegible] His report was not favourabl[illegible]

[illegible] 21 [illegible] Geographical Society sent an expedition [illegible] Mount Everest [illegible] attempt [illegible] 1924. The Tibetan Government refused permission for [illegible]

[illegible] 2 a telegraph line [illegible] constructed from Gyantse [illegible] the [illegible]

[illegible] 4 Major F. M. B[illegible] sent to [illegible] remained there [illegible]

[illegible] ea of Tibet is [illegible] 000 square miles and [illegible] at 3½ to 5 mill[illegible] of the country [illegible] ated some years ago at [illegible]

No. I.

Convention between Great Britain and Tibet,—1904

Whereas doubts and difficulties have arisen as to the meaning and validity of the Anglo-Chinese Convention of 1890, and the Trade Regulations of 1893*, and as to the liabilities of the Tibetan Government under these agreements, and whereas recent occurrences have tended towards a disturbance of the relations of friendship and good understanding which have existed between the British Government and the Government of Tibet, and whereas it is desirable to restore peace and amicable relations, and to resolve and determine the doubts and difficulties as aforesaid, the said Governments have resolved to conclude a convention with these objects, and the following articles have been agreed upon by Colonel F E. Younghusband, C I E, in virtue of full powers vested in him by His Britannic Majesty's Government and on behalf of that said Government, and Lo-Sang Gyal-Tsen, the Ga-den Ti-Rimpoche, and the representatives of the Council, of the three monasteries Se-ra, Dre-pung, and Ga-den, and of the ecclesiastical and lay officials of the National Assembly on behalf of the Government of Tibet.

I.

The Government of Tibet engages to respect the Anglo-Chinese Convention of 1890 and to recognise the frontier between Sikkim and Tibet, as defined in Article I of the said Convention, and to erect boundary pillars accordingly.

II.

The Tibetan Government undertakes to open forthwith trade marts to which all British and Tibetan subjects shall have free right of access at Gyantse and Gartok, as well as at Yatung

The Regulations applicable to the trade mart at Yatung, under the Anglo-Chinese Agreement of 1893*, shall, subject to such amendments as may hereafter be agreed upon by common consent between the British and Tibetan Governments, apply to the marts above-mentioned

In addition to establishing trade marts at the places mentioned the Tibetan Government undertakes to place no restrictions on the trade by existing routes, and to consider the question of establishing fresh trade marts under similar conditions if development of trade requires it

III

The question of the amendment of the Regulations of 1893* is reserved for separate consideration, and the Tibetan Government undertakes to appoint fully

* S Vol XII, [illegible]

authorised delegates to negotiate with representatives of the British Government as to the details of the amendments required

IV

The Tibetan Government undertakes to levy no dues of any kind other than those provided for in the tariff to be mutually agreed upon

V

The Tibetan Government undertakes to keep the roads to Gyantse and Gartok from the frontier clear of all obstruction and in a state of repair suited to the needs of the trade, and to establish at Yatung, Gyantse and Gartok, and at each of the other trade marts that may hereafter be established, a Tibetan Agent who shall receive from the British Agent appointed to watch over British trade at the marts in question any letter which the latter may desire to send to the Tibetan or to the Chinese authorities The Tibetan Agent shall also be responsible for the due delivery of such communications and for the transmission of replies

VI

As an indemnity to the British Government for the expense incurred in the despatch of armed troops to Lhasa, to exact reparation for breaches of treaty obligations, and for the insults offered to and attacks upon the British Commissioner and his following and escort, the Tibetan Government engages to pay a sum of pounds five hundred thousand—equivalent to rupees seventy five lakhs—to the British Government

The indemnity shall be payable at such place as the British Government may from time to time, after due notice, indicate whether in Tibet or in the British districts of Darjeeling or Jalpaiguri, in seventy five annual instalments of rupees one lakh each on the 1st January in each year, beginning from the 1st January 1906

VII

As security for the payment of the above mentioned indemnity and for the fulfilment of the provisions relative to the trade marts specified in Articles II, III, IV and V, the British Government shall continue to occupy the Chumbi valley until the indemnity has been paid and until the trade marts have been effectively opened for three years, whichever date may be the later

VIII

The Tibetan Government agrees to raze all forts and fortifications and remove all armaments which might impede the course of free communication between the British frontier and the towns of Gyantse and Lhasa

IX.

The Government of Tibet engages that, without the previous consent of the British Government—

(*a*) no portion of Tibetan territory shall be ceded, sold, leased, mortgaged or otherwise given for occupation, to any Foreign Power;
(*b*) no such Power shall be permitted to intervene in Tibetan affairs;
(*c*) no representatives or Agents of any Foreign Power shall be admitted to Tibet;
(*d*) no concessions for railways, roads, telegraphs, mining or other rights shall be granted to any Foreign Power, or the subject of any Foreign Power. In the event of consent to such concessions being granted similar or equivalent concessions shall be granted to the British Government;
(*e*) no Tibetan revenues, whether in kind or in cash, shall be pledged or assigned to any Foreign Power, or the subject of any Foreign Power.

X.

In witness whereof the negotiators have signed the same, and affixed thereunto the seals of their arms.

Done in quintuplicate at Lhasa, this 7th day of September in the year of our Lord one thousand nine hundred and four, corresponding with the Tibetan date, the 27th day of the seventh month of the Wood Dragon year.

F. E. YOUNGHUSBAND, *Col.*,
British Commissioner.

Seal of British Commissioner.

Seal of the Dalai Lama, affixed by the Ga-den Ti-Rimpoche.

Seal of Council. | Seal of the Dre-pung Monastery. | Seal of Sera Monastery. | Seal of Ga-den Monastery. | Seal of National Assembly.

In proceeding to the signature of the Convention, dated this day, the representatives of Great Britain and Tibet declare that the English text shall be binding.

F. E. YOUNGHUSBAND, *Col.*,
British Commissioner.

Seal of British Commissioner.

Seal of the Dalai Lama affixed by the Ga-den Ti-Rimpoche.

Seal of Council. | Seal of the Dre-pung Monastery. | Seal of Sera Monastery. | Seal of Ga-den Monastery. | Seal of National Assembly.

AMPTHILL,
Viceroy and Governor-General of India.

This Convention was ratified by the Viceroy and Governor General of India in Council at Simla on the eleventh day of November, A D one thousand nine hundred and four

S M FRASER,
Secretary to the Government of India,
Foreign Department

No II

DECLARATION SIGNED BY HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL OF INDIA AND APPENDED TO THE RATIFIED CONVENTION OF 7TH SEPTEMBER 1904

His Excellency the Viceroy and Governor General of India having ratified the Convention which was concluded at Lhasa on 7th September 1904 by Colonel Younghusband C I E, British Commissioner, Tibet Frontier Matters on behalf of His Britannic Majesty s Government, and by Lo-Sang Gyal Tsen, the Ga den Ti Rimpoche, and the representatives of the Council of the three monasteries, Sera Dre pung and Ga den and of the ecclesiastical and lay officials of the National Assembly, on behalf of the Government of Tibet is pleased to direct as an act of grace that the sum of money which the Tibetan Government have bound themselves under the terms of Article VI of the said Convention to pay to His Majesty s Government as an indemnity for the expenses incurred by the latter in connection with the despatch of armed forces to Lhasa be reduced from Rs 75 00 000 to Rs 25 00 000 and to declare that the British occupation of the Chumbi valley shall cease after the due payment of three annual instalments of the said indemnity as fixed by the said Article, provided, however that the trade marts as stipulated in Article II of the Convention shall have been effectively opened for three years as provided in Article VI of the Convention, and that, in the meantime the Tibetans shall have faithfully complied with the terms of the said Convention in all other respects

AMPTHILL,
Viceroy and Governor General of India

This declaration was signed by the Viceroy and Governor General of India in Council at Simla on the eleventh day of November, A D, one thousand nine hundred and four

S M FRASER,
Secretary to the Government of India,
Foreign Department

No. III.

CONVENTION between GREAT BRITAIN and CHINA—1906.

Whereas His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of China are sincerely desirous to maintain and perpetuate the relations of friendship and good understanding which now exist between their respective Empires;

And whereas the refusal of Tibet to recognise the validity of or to carry into full effect the provisions of the Anglo-Chinese Convention of March 17th, 1890, and Regulations of December 5th, 1893, placed the British Government under the necessity of taking steps to secure their rights and interests under the said Convention and Regulations;

And whereas a Convention of ten articles was signed at Lhasa on September 7th, 1904, on behalf of Great Britain and Tibet, and was ratified by the Viceroy and Governor-General of India on behalf of Great Britain on November 11th, 1904, a declaration on behalf of Great Britain modifying its terms under certain conditions being appended thereto;

His Britannic Majesty and His Majesty the Emperor of China have resolved to conclude a Convention on this subject and have for this purpose named Plenipotentiaries, that is to say:—

HIS MAJESTY THE KING of GREAT BRITAIN and IRELAND:

Sir Ernest Mason Satow, Knight Grand Cross of the Most Distinguished Order of St. Michael and St. George, His said Majesty's Envoy Extraordinary and Minister Plenipotentiary to His Majesty the Emperor of China;

and HIS MAJESTY THE EMPEROR of CHINA.

His Excellency Tong Shao-yi, His said Majesty's High Commissioner Plenipotentiary and a Vice-President of the Board of Foreign Affairs,

who having communicated to each other their respective full powers and finding them to be in good and due form have agreed upon and concluded the following Convention in six articles:—

ARTICLE I.

The Convention concluded on September 7th, 1904, by Great Britain and Tibet, the texts of which in English and Chinese are attached to the present Convention as an annexe, is hereby confirmed, subject to the modification stated in the declaration appended thereto, and both of the High Contracting Parties engage to take at all times such steps as may be necessary to secure the due fulfilment of the terms specified therein.

Apticle II.

The Government of Great Bntain engages not to annex Tibetan terntory or to interfere in the administration of Tibet The Government of China also under takes not to permit any other foreign state to interfere with the territory or internal administration of Tibet

Article III

The concessions which are mentioned in Article 9 (*d*) of the Convention con cluded on September 7th 1904 by Great Bntain and Tibet are denied to any state or to the subject of any state other than China but it has been arranged with China that at the trade marts specified in Article 2 of the aforesaid Conven tion Great Britain shall be entitled to lay down telegraph lines connecting with India

Article IV

The provisions of the Anglo Chinese Convention of 1890 and Regulations of 1893 shall subject to the terms of this pre ent Conventi n and annexe theret remain in full force

Article V

The English and Chinese texts of the present Convention have been carefully compared and found to correspond but in the event of there being any difference of meaning between them the English text shall be authoritative

Apticle VI

This Convention shall be ratified by the Sovereigns of both countries and rati fications shall be exchanged at London within three months after the date of signa ture by the Plenipotentiaries of both Powers

In token whereof the respective Plenipotentiaries have signe l and sealed this Convention four copies in English and four in Chinese

Done at Peking this twenty seventh day of April one thousand nine hundred and six being the fourth day of the fourth month of thirty second year of the reign of Kuang hsu

Ernest Satow

Tong Shao Yi

No. IV.

Tibet Trade Regulations,—1908.

Preamble.—Whereas by Article I of the Convention between Great Britain and China on the 27th April 1906, that is the 4th day of the 4th moon of the 32nd year of Kwang Hsu, it was provided that both the High Contracting Parties should engage to take at all times such steps as might be necessary to secure the due fulfilment of the terms specified in the Lhasa Convention of 7th September 1904 between Great Britain and Tibet, the text of which in English and Chinese was attached as an Annexe to the above-mentioned Convention;

And whereas it was stipulated in Article III of the said Lhasa Convention that the question of the amendment of the Tibet Trade Regulations which were signed by the British and Chinese Commissioners on the 5th day of December 1893 should be reserved for separate consideration, and whereas the amendment of these Regulations is now necessary;

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the Emperor of the Chinese Empire have for this purpose named as Plenipotentiaries, that is to say:

His Majesty the King of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India,—Mr. E. C. Wilton, C.M.G.;

*His Majesty the Emperor of the Chinese Empire—His Majesty's Special Com*missioner Chang Yin Tang;

And the High Authorities of Tibet have named as their fully authorised Representative to act under the directions of Chang Tachen and take part in the negotiations—The Tsarong Shape, Wang Chuk Gyalpo.

And whereas Mr. E. C. Wilton and Chang Tachen have communicated to each other since their respective full powers and have found them to be in good and true form and have found the authorisation of the Tibetan Delegate to be also in good and true form, the following amended Regulations have been agreed upon:

I.—The Trade Regulations of 1893 shall remain in force in so far as they are not inconsistent with these Regulations.

II.—The following places shall form, and be included within the boundaries of the Gyantse mart:—

(*a*) The line begins at the Chumig Dangsang (Chhu-Mig-Dangs-Sangs) north-east of the Gyantse Fort, and thence it runs in a curved line, passing behind the Pekor-Chode (Dpal-Hkhor-Choos-Sde), down to

Chag Dong Gang (Phyag Gdong Sgang), thence passing straight over the Nyan Chu it reaches the Zamsa (Zam Srag) (b) From the Zamsa the line continues to run in a south eastern direction, round to Lachi To (Gla Dkyil Stod) embracing all the farms on its way viz, The Lahong, The Hogtso (Hog Mtsho), The Tong-Chung Shi (Grong Chhung Gshis), and the Rabgang (Rab Sgang), etc (c) From Lachi To the line runs to the Yutog (Gyu Thog), and thence runs straight passing through the whole area of Gamkar Shi (Ragal Mkhar Gshis) to Chumig Dangsang

As difficulty is experienced in obtaining suitable houses and godowns at some of the marts, it is agreed that British subjects may also lease lands for the building of houses and godowns at the marts the locality for such building sites to be marked out especially at each mart by the Chinese and Tibetan authorities in consultation with the British Trade Agent The British Trade Agents and British subjects shall not build houses and godowns except in such localities and this arrangement shall not be held to prejudice in any way the administration of the Chinese and Tibetan Local Authorities over such localities or the right of British subjects to rent houses and godowns outside such localities for their own accommodation and the storage of their goods

British subjects desiring to lease building sites shall apply through the British Trade Agent to the Municipal Office at the mart for a permit to lease The amount of rent, or the period or conditions of the lease shall then be settled in a friendly way by the lessee and the owner themselves In the event of a disagreement between the owner and lessee as to the amount of rent or the period or conditions of the lease the case will be settled by the Chinese and Tibetan Authorities in consultation with the British Trade Agent After the lease is settled the site shall be verified by the Chinese and Tibetan Officers of the Municipal Office conjointly with the British Trade Agent No building is to be commenced by the lessee on a site before the Municipal Office has issued him a permit to build but it is agreed that there shall be no vexatious delays in the issue of such permit

III —The administration of the trade marts shall remain with the Tibetan Officers, under the Chinese Officers' supervision and directions

The Trade Agents at the marts and Frontier Officers shall be of suitable rank, and shall hold personal intercourse and correspondence one with another on terms of mutual respect and friendly treatment

Questions which cannot be decided by agreement between the Trade Agents and the Local Authorities shall be referred for settlement to the Government of India and the Tibetan High Authorities at Lhasa The purport of a reference by the Government of India will be communicated to the Chinese Imperial Resident at Lhasa Questions which cannot be decided by agreement between the Government of India and the Tibetan High Authorities at Lhasa shall, in accordance with the terms of Article I of the Peking Convention of 1906, be referred for settlement to the Governments of Great Britain and China

IV.—In the event of disputes arising at the marts between British subjects and persons of Chinese and Tibetan nationalities, they shall be enquired into and settled in personal conference between the British Trade Agent at the nearest mart and the Chinese and Tibetan Authorities of the Judicial Court at the mart, the object of personal conference being to ascertain facts and to do justice. Where there is a divergence of view the law of the country to which the defendant belongs shall guide. In any of such mixed cases, the Officer, or Officers of the defendant's nationality shall preside at the trial; the Officer, or Officers of the plaintiff's country merely attending to watch the course of the trial.

All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British Authorities.

British subjects, who may commit any crime at the marts or on the routes to the marts, shall be handed over by the local authorities to the British Trade Agent at the mart nearest to the scene of offence, to be tried and punished according to the laws of India, but such British subjects shall not be subjected by the local authorities to any ill-usage in excess of necessary restraint.

Chinese and Tibetan subjects, who may be guilty of any criminal act towards British subjects at the marts or on the routes thereto, shall be arrested and punished by the Chinese and Tibetan Authorities according to law.

Justice shall be equitably and impartially administered on both sides.

Should it happen that Chinese or Tibetan subjects bring a criminal complaint against a British subject before the British Trade Agent, the Chinese or Tibetan Authorities shall have the right to send a representative, or representatives, to watch the course of trial in the British Trade Agent's Court Similarly, in cases in which a British subject has reason to complain of a Chinese or Tibetan subject in the Judicial Court at the mart, the British Trade Agent shall have the right to send a representative to the Judicial Court to watch the course of trial.

V.—The Tibetan Authorities, in obedience to the instructions of the Peking Government, having a strong desire to reform the judicial system of Tibet, and to bring it into accord with that of Western nations, Great Britain agrees to relinquish her rights of extra-territoriality in Tibet, whenever such rights are relinquished in China, and when she is satisfied that the state of the Tibetan laws and the arrangements for their administration and other considerations warrant her in so doing.

VI —After the withdrawal of the British troops, all the rest-houses, eleven in number, built by Great Britain upon the routes leading from the Indian frontier to Gyantse, shall be taken over at original cost by China and rented to the Government of India at a fair rate. One-half of each rest-house will be reserved for the use of the British officials employed on the inspection and maintenance of the telegraph lines from the marts to the Indian frontier and for the storage of their materials, but the rest-houses shall otherwise be available for occupation by British, Chinese and Tibetan officers of respectability who may proceed to and from the marts.

Great Britain is prepared to consider the transfer to China of the telegraph lines from the Indian frontier to Gyantse when the telegraph lines from China reach that mart and in the meantime Chinese and Tibetan messages will be duly received and transmitted by the line constructed by the Government of India

In the meantime China shall be responsible for the due protection of the telegraph lines from the marts to the Indian frontier and it is agreed that all persons damaging the lines or interfering in any way with them or with the officials engaged in the inspection or maintenance thereof shall at once be severely punished by the local authorities

VII —In law suits involving cases of debt on account of loans commercial failure and bankruptcy, the authorities concerned shall grant a hearing and take steps necessary to enforce payment, but if the debtor plead poverty and be without means the authorities concerned shall not be responsible for the said debts, nor shall any public or official property be distrained upon in order to satisfy these debts

VIII The British Trade Agents at the various trade marts now or hereafter to be established in Tibet may make arrangements for the carriage and transmission of their posts to and from the frontier of India The couriers employed in conveying these posts shall receive all possible assistance from the local authorities whose districts they traverse and shall be accorded the same protection as the persons employed in carrying the despatches of the Tibetan Authorities When efficient arrangements have been made by China in Tibet for a Postal Service, the question of the abolition of the Trade Agent's couriers will be taken into consideration by Great Britain and China No restrictions whatever shall be placed on the employment by British officers and traders of Chinese and Tibetan subjects in any lawful capacity The persons so employed shall not be exposed to any kind of molestation or suffer any loss of civil rights to which they may be entitled as Tibetan subjects but they shall not be exempted from all lawful taxation If they be guilty of any criminal act they shall be dealt with by the local authorities according to law without any attempt on the part of their employer to screen or conceal them

IX —British officers and subjects, as well as goods proceeding to the trade marts must adhere to the trade routes from the frontier of India They shall not, without permission proceed beyond the marts, or to Gartok from Yatung and Gyantse, or from Gartok to Yatung and Gyantse, by any route through the interior of Tibet, but natives of the Indian frontier, who have already by usage traded and resided in Tibet elsewhere than at the marts shall be at liberty to continue their trade, in accordance with the existing practice, but when so trading or residing they shall remain as heretofore, amenable to the local jurisdiction

X —In cases where officials or traders, *en route* to and from India or Tibet are robbed of treasure or merchandise, public or private, they shall forthwith report to the Police officers, who shall take immediate measures to arrest the robbers, and hand them to the Local Authorities The Local Authorities shall

bring them to instant trial, and shall also recover and restore the stolen property. But, if the robbers flee to places out of the jurisdiction and influence of Tibet, and cannot be arrested, the Police and the Local Authorities shall not be held responsible for such losses.

XI.—For public safety tanks or stores of kerosene oil or any other combustible or dangerous articles in bulk must be placed far away from inhabited places at the marts.

British or Indian merchants, wishing to build such tanks or stores, may not do so until, as provided in Regulation II, they have made application for a suitable site.

XII.—British subjects shall be at liberty to deal in kind or in money, to sell their goods to whomsoever they please, to purchase native commodities from whomsoever they please, to hire transport of any kind, and to conduct in general their business transactions in conformity with local usage and without any vexatious restrictions or oppressive exactions whatever.

It being the duty of the Police and Local Authorities to afford efficient protection at all times to the persons and property of the British subjects at the marts, and along the routes to the marts, China engages to arrange effective police measures at the marts and along the routes to the marts. On due fulfilment of these arrangements, Great Britain undertakes to withdraw the Trade Agents' guards at the marts and to station no troops in Tibet so as to remove all cause for suspicion and disturbance among the inhabitants. The Chinese Authorities will not prevent the British Trade Agents holding personal intercourse and correspondence with the Tibetan officers and people.

Tibetan subjects trading, travelling or residing in India shall receive equal advantages to those accorded by this Regulation to British subjects in Tibet.

XIII.—The present Regulations shall be in force for a period of ten years reckoned from the date of signature by the two Plenipotentiaries as well as by the Tibetan Delegate; but if no demand for revision be made on either side within six months after the end of the first ten years, then the Regulations shall remain in force for another ten years, from the end of the first ten years; and so it shall be at the end of each successive ten years.

XIV.—The English, Chinese and Tibetan texts of the present Regulations have been carefully compared, and, in the event of any question arising as to the interpretation of these Regulations, the sense as expressed in the English text shall be held to be the correct sense.

XV.—The Ratification of the present Regulations under the hand of His Majesty the King of Great Britain and Ireland, and of His Majesty the Emperor of the Chinese Empire, respectively, shall be exchanged at London and Peking within six months from the date of signature.

In witness whereof the two Plenipotentiaries and the Tibetan Delegate have signed and sealed the present Regulations.

Done in quadruplicate at Calcutta this twentieth day of April in the year of our Lord nineteen hundred and eight corresponding with the Chinese date the twentieth day of the third moon of the thirty fourth year of Kuang Hsu

F C WILTON
British Commissioner

Signature of—

CHANG YIN TANG
Chinese Special Commissioner

Signature of—

WANG CHUK GYALPO
Tibetan Delegate

S H BUTLER
Offg Secretary to the Government of India

PART III.

Treaties and Engagements

relating to

Nepal.

UP to the middle of the eighteenth century the three Newar Kingdoms of Bhatgaon Kathmandu and Patan divided between themselves the small valley of Nepal. They were mutually at variance and during one of their struggles Ranjit Mal King of Bhatgaon applied for assistance to Prithvi Narayan the King of the Gurkhas a Chief claiming descent from the Rajput Sesodia family ruling in Mewar (Udaipur). Prithvi Narayan lost no time in availing himself of the opportunity to gain a footing in Nepal and in a very short space of time the three kingdoms were again united and resisting the encroachments of the Gurkhas. In the common cause Raja Ranjit Mal of Kathmandu applied in 1767 to the British Government for assistance. Aid was granted and Captain Kinloch was despatched with a small force in the middle of the rainy season. He was however compelled by the deadly climate of the Tarai to retire. The Gurkha Chief then overran Nepal extinguishing the Newar dynasties. The kingdom so formed was soon extended westwards to the Kali river and eastwards to the Mechi, and the whole country became known as Nepal. The Chief was then recognised as the Maharaja of Nepal.

Later the Nepalese conquered the hill country of Makwanpur and claimed the cultivated lowlands on payment to the British Government of the same tribute as was paid by the Raja of Makwanpur. The claim was admitted. For thirty years they continued to present yearly an elephant as tribute for these lands but the tribute was eventually relinquished by article 7 of the Treaty (No. II) of 1801.

After the failure of Kinloch's expedition there was little connection with Nepal till the administration of Lord Cornwallis when negotiations were opened by the Nepalese through Mr Duncan, then Resident at Benares, which resulted in the Commercial Treaty (No. I) of March 1792.

letter, procuring a suitable settlement for the deposed prince and arranging for the apprehension and surrender of fugitive dakaits who had long given trouble on the frontier Captain Knox was therefore deputed to the Nepal frontier to meet a deputation from Kathmandu where these objects as well as the establishment of a Residency at Kathmandu were provided for in the Treaty (No II) of October 1801 Captain Knox was appointed the first Resident and was well received by the Rani Regent Arrangements had just been concluded to give full effect to the treaty when Ran Bahadur's elder Rani who had accompanied him to Benares suddenly returned to Kathmandu overthrew the regency and herself took charge of the young Maharaja and the Government It now became the policy of the Nepal Government to evade fulfilment of its engagements with the British and their aversion to the continuance of the Resident became so marked that in March 1803 Captain Knox withdrew from Nepal and on the 24th January 1804 Lord Wellesley formally dissolved the alliance

With the alliance at an end Ran Bahadur was allowed to return to Nepal where he inaugurated his re-accession to power by the murder of the leader of the party opposed to his interests He was himself soon after killed in a dispute with his brother and Bhim Sen Thapa a young and ambitious man who had accompanied him into exile obtained possession of the person of the young Raja Girvan Jodh Bikram and with the countenance of Ran Bahadur's chief Rani assumed the direction of affairs During the regency of Bhim Sen Thapa the Nepalese dominion was extended from the Kali river to the Sutlej All the hill chiefs of this area accepted Nepalese rule and several military posts were established in their country

From the dissolution of the alliance in 1804 down to 1812 British transactions with Nepal consisted entirely of unavailing remonstrances against aggressions on the frontier of British territory throughout its entire length and in fruitless attempts to induce the Nepalese to aid British officers in the suppression of dakaitis and robberies along the frontier In 1804 the Nepalese seized the parganas of Butwal and Sheoraj which had been ceded to the British Government by the Wazir of Oudh under pretext of their having belonged to the possessions of the Palpa Raja then subdued by Nepal In 1808 the Nepalese Governor of Morang seized the entire zamindari of Bhimnagar situated on the frontier of Purnea but this case was so flagrant that Government determined to take action and in the month of June 1809 a British detachment was sent to the frontier with orders to resume the zamindari by force This decided measure was sufficient and the Nepalese evacuated the lands in 1810 In 1811 the Nepalese again crossed the frontier of British India and at nearly the same time took possession of some lands on the Butwal and Bettiah boundaries This aggression was forcibly resisted by the

people of the Bettiah frontier and gave rise to the first border skirmish with the Nepalese.

Later, Commissioners were appointed by the East India Company and the Nepal Government to enquire into and adjust all frontier disputes. The investigation resulted in the establishment of the right of the Company to the disputed districts, but the Nepalese evaded restitution. Lord Hastings thereupon threatened the forcible occupation of the lands if they were not evacuated by a given date. The prescribed time having expired without a reply from Nepal, the disputed districts were occupied in the middle of April 1814.

War was now inevitable and was formally declared on the 1st November 1814. The British advanced in four columns. The two eastern columns met with no success; the two western columns, operating in the hilly country west of the Kali river, after an arduous campaign in which the Nepalese fought with great skill and bravery, gained possession of the whole country lying between the Kali and the Sutlej, which had so recently been annexed by Nepal. The Nepalese general commanding in this area capitulated to Sir David Ochterlony on the 15th May 1815, agreeing to withdraw all Nepalese troops to the east of the Kali and resigning to the British all their possessions from Kumaon to the Sutlej. Kumaon was annexed as a British district, the Dun was also administered, and afterwards formally annexed, while the remainder of the hill country was restored to the Rajas and Chiefs from whom the Nepalese had taken it. The Nepalese Government was now disposed to treat for peace; but negotiations were twice broken off by their refusing to comply with the demand for the cession of the Tarai. A second campaign seemed inevitable, when Lord Hastings offered to pay yearly the estimated value of the Tarai and to make some other concessions which induced the Nepal Commissioners to sign the Treaty of Segauli on the 2nd December 1815, promising that it should be ratified within fifteen days.

The Treaty (No. III) was ratified by the Governor-General, but the Nepal Government declined to ratify: and in the beginning of February 1816 the Nepalese Commissioner gave formal intimation of the intention of the Nepalese to recommence the war. The British forces under Sir David Ochterlony at once advanced towards Kathmandu. The Nepalese made a brave resistance, but were defeated in several encounters: and their Government sent a Commissioner to the British headquarters to sue for peace. On the 4th March the unratified Treaty of Segauli was presented to the British Government with the addition of the signature of the Nepalese Commissioner, and was duly ratified. The hill lands east of the Mechi and part of the Tarai between the Mechi and Tista, ceded under this treaty, were made over to Sikkim, against which country

the Maharaja of Nepal bound himself to commit no aggression On the 11th December 1816 the 4th article of the treaty of Segauli, by which the British Government had undertaken to pay two lakhs of rupees a year as pensions to certain Nepalese Chiefs was annulled (No IV) in consideration of the restoration to Nepal of the greater portion of the Tarai lands between the Rapti and the Kusi The Tarai lands westward to the Kali were made over to Oudh

Mr Gardner the first Resident appointed under the treaty of Segauli found Bhim Sen Thapa, the Minister, invested with complete control over the country Shortly after Mr Gardner s arrival at Kathmandu Maharaja Girvan Jodh Bikram died his successor Rajendra Bikram Sah being then only two years old The ministry of Bhim Sen was continued during the minority, and from that time till 1832 he enjoyed complete and uninterrupted power During the whole of this period a martial policy prevailed in the councils of Nepal

During the latter years of Bhim Sen s ministry several unsuccessful attempts were made to improve British relations with Nepal In 1833 negotiations regarding the treatment of British subjects attached to the Residency failed through the refusal of the Nepal Government to enter into any treaty by which it should waive its rights to punish such offenders according to its own usages In 1834 negotiations to revive the commercial treaty of 1792 were closed the Nepal Government declining to recognise its validity and proposing another very disadvantageous to British interests In 1836 another endeavour of the Company's Government to improve commercial relations with Nepal was frustrated by the unwillingness of the Nepal Government to make any suitable concessions with regard to the duties to be levied on British goods Better success however attended negotiations for the capture and surrender of thugs and dakaits and an Engagement (No V) was concluded in January 1837 securing mutual advantages in this respect

Signs of opposition to the uncontrolled power of Bhim Sen whose family held almost every provincial command in the country had begun to show themselves in 1832 The Pande clan the leaders of which had been massacred on Ran Bahadur s return to Nepal again rose gradually into favour with the Maharaja who was anxious to shake off the control of his minister In 1837 the Maharaja s youngest son died suddenly and the report was spread that he had been poisoned at the instigation of Bhim Sen or some of his party Bhim Sen and his nephew, Matabar Singh were seized and thrown into prison but were released shortly afterwards Bhim Sen retired with honour into private life and Matabar Singh proceeded to the Punjab where he found service under the Lahore Darbar Two years later the persecution of the Thapa family was revived and the old minister was dragged from his retirement and hurried to

prison, where, after being subjected to the most inhuman tortures, he committed suicide.

After the overthrow of Bhim Sen Thapa the hostility of the Nepalese towards the British assumed a more open form, and every effort was made to prepare for the anticipated outbreak of hostilities. So little was the hostility of the Nepalese concealed that it became necessary to station a British corps of observation on the frontier. Intrigues had long been carried on by the Nepal Government with States in British India; emissaries were sent to Jodhpur, Gwalior, Hyderabad, Nagpur and Lahore; and the projected marriage of the heir-apparent formed a pretext for despatching numerous spies and messengers throughout Rewa and Rajputana. Similar efforts were made in the direction of Sikkim, Bhutan and Ava; but the success which at first attended the British arms in Afghanistan caused a change in the policy of the Nepalese, and in November 1839 an Engagement (No. VI) was obtained from the Nepal Government promising the cessation of these intrigues.

These obligations were only nominally observed. Intrigues were carried on as before, but more covertly. In 1840 the Nepalese forcibly took possession of several villages in the Ramnagar zamindari and only withdrew when hostilities were threatened. Hence it again became necessary to station a corps of observation on the frontier, which was not withdrawn till 1842 and after repeated assurances of good-will on the part of the Maharaja and his Chiefs (No. VII).

The extravagance and cruelties of the heir apparent, who was countenanced and supported by the Maharaja, produced much discontent in the country, while the intrigues of the only surviving Maharani who was anxious for the succession of one of her own sons, led to endless family feuds. Matabar Singh was recalled from the Punjab in 1843 and was made Prime Minister. In 1845 he was murdered at the instigation of one Gaggan Singh, a favourite of the Maharani, who immediately made him her confidential adviser. In 1846 the murder of this man and the massacre at the Kot of thirty-one of the most influential Chiefs paved the way for the rise of Jung Bahadur to the office of Prime Minister. Finding that Jung Bahadur was not so subservient to her purposes as she expected, the Maharani endeavoured to compass his death, but failed and was expelled with her two sons from the country, taking up her residence at Benares. She was accompanied to Benares by the Maharaja, who returned to Nepal the following year, only to abdicate (12th May 1847) in favour of the heir-apparent, Surendra Bikram Sah, who assumed the title of Maharaja Dhiraj.

Jung Bahadur's visit to England in 1850 was followed by a more friendly and less exclusive bearing on the part of the Nepal Government. In 1852 negotiations were resumed for the conclusion of a treaty for the

surrender of heinous offenders The Treaty (No VIII) was concluded on the 10th February 1855 In 1865 a joint commission, in which Mr (afterwards Sir T D) Gordon represented British interests travelled along the frontier from the Mechi river to the neighbourhood of Motihari in Champaran and their enquiries led to the adoption of measures for the suppression of border crime and for ensuring greater efficiency in the police and *greater attention generally to the circumstances of the* frontier To this end it was soon afterwards arranged that the Resident should each year make a tour on or near the border or in some part of the Tarai Owing to the prevalence of cattle-lifting and serious theft on the frontier, and to the frequent losses sustained by the Nepalese Government through embezzlements committed by their public officers, these offences were in July 1866 added by a supplementary Treaty (No X) to those mentioned in article 4 of the treaty of 1855 for which surrender may be demanded by either Government In June 1881 a further supplementary Treaty (No XII) included in the number of treaty offences that of escaping from custody whilst undergoing punishment after conviction for any of the previously specified treaty offences

Towards the latter end of 1854 a rupture occurred between the Nepalese and Tibetan Governments which however in no way affected the relations of the British Government with Nepal After short hostilities and protracted negotiations a treaty* was concluded by which the

* TREATY OF PEACE consisting of ten Articles between the STATES OF GURKHA and of TIBET (BHOTE) settled and concluded by us the Chief Sirdars Bharadars and

May
ways
like
May
the
war

1 The Tibetan Government agrees to pay the sum of ten thousand Rupees annually in cash to the Gurkha Government

3 The Government of Tibet agrees to discontinue the collection of all the duties that have hitherto been levied upon subjects of the Gurkha State, merchants and others trading with its country

5 A Bharadar on the part of the Gurkha Government (not merely a Naikia*) will for the future reside at Lhasa

* Or Naik a person of inferior rank

Tibetans bound themselves to make an annual payment of Rs. 10,000 to Nepal and to encourage trade between the two countries. The Nepal Government undertook that their representative at Lhasa should be of high rank. Owing to repeated acts of oppression towards Nepalese subjects in Lhasa, culminating in outrages on the house and some of the servants of the Nepalese Envoy, diplomatic relations were broken off in 1873, and were not resumed till after an *amende* had been made by Tibetan commissioners specially deputed to Kathmandu for the purpose. In 1880 there was again an uneasy feeling at Kathmandu by reason of certain warlike preparations by the Tibetans on their common frontier. In 1883 a Tibetan mob made an unprovoked attack on the Nepalese quarter of Lhasa, and plundered property to the value of about nine lakhs of rupees. Commissioners from both sides met at Kuti near the frontier to discuss the question of compensation, but it would seem that no settlement satisfactory to both parties was effected. The Nepal Government keep officials at Shigatse and Gyantse, in addition to their representative at Lhasa, to administer justice and keep order among their own subjects.

---

6. The Gurkha Government, with the free consent of the Government of Tibet, will establish a trading factory at Lhasa, for the sale of all kinds of merchandise, from jewellery, etc., etc., to articles of clothing and of food.

7. The Gurkha Bharadar residing at Lhasa will not interfere in the disputes of the subjects, merchants, traders, etc., etc., of the Government of Tibet, who may quarrel amongst themselves, neither will the Tibetan Government interfere in any dispute between subjects of the Gurkha Government, Kashmiris of Nepal, etc., etc., who may be residing within the jurisdiction of Lhasa; but whenever quarrels may occur between Gurkha and Tibetan subjects, the authorities of the two States will sit together and will jointly adjudicate them; and all *Amdani* (by this term is meant income resulting from fines, confiscation, etc.), will, if paid by subjects of Tibet, be taken by that Government, and if paid by Gurkha subjects, Kashmiris of Nepal, etc., will be appropriated by the Gurkha Government.

8. Should any Gurkha subject commit a murder within the jurisdiction of that Government and take refuge in Tibet, he shall be surrendered by that country, and if any Tibetan subject who may have committed a murder there take refuge in the Gurkha country, he shall in like manner be given up to the Government of Tibet.

9. If the property of any Gurkha subjects and merchants be plundered by any subject of the Tibetan Government, the party who has stolen it shall be compelled by the Tibetan authorities to restore it; should he not be able to do so at once, he shall be obliged by the Tibetan Bharadar to make some arrangement, and will be allowed a reasonable time to make it good. In like manner, if the property of any Tibetan subjects and merchants be plundered by any subject of the Gurkha Government, the party who has stolen it shall be compelled by the Gurkha authorities to restore it; should he not be able to do so at once, he shall be obliged by the Gurkha Government to make some arrangement, and will be allowed a reasonable time to make it good.

10. All subjects of Tibet who may have joined the Gurkha cause during the war, and all subjects of the Gurkha Government who may have taken part with the Tibetan Government, shall, after the completion of this Treaty, be respected both in person and in property, and shall not be injured by either Government.

Dated Sambat (1912) Chaitra Badi 3rd (2nd day) Sombar.

Corresponding with the 24th of March 1856.

N.B.—An agreement, dated the 7th year of the reign of Shen-Hong the 10th day of the 6th month of the Fire Serpent Year (1857), was also made at Rasna on the Kirong frontier between the Representatives of the Gurkha and Tibetan Governments regarding the settlement of the boundary question and the removal of the Gurkha Customs House traders.

With the exception of a few months in 1856 and notwithstanding various conspiracies against him the most dangerous of which was that organised by his own brothers Bam Bahadur and Badri Nar Singh in 1851, Jung Bahadur continued Prime Minister of the State till his death in 1877 In token of his services to his country he received the title of Maharaja from his sovereign and was invested with the hereditary sovereignty of two districts namely Lamjung and Kaski Moreover he effected the marriage of a son and two daughters into the ruling family of Nepal During the mutiny of 1857 and the subsequent campaigns he rendered assistance to the British in the reoccupation of Gorakhpur the recapture of Lucknow and the subsequent capture of the rebels who infested the Tarai and in consequence the whole of the lowlands lying between the river Kali and the district of Gorakhpur which had been ceded to the British Government in 1815 were restored to Nepal under a Treaty (No IX) concluded on the 1st November 1860 The boundary of this tract was laid down at the time of its restoration to Nepal (*see* article 3 of the Treaty of 1860) The international frontier on the side of eastern Oudh remained undefined until January 1875 when it was settled under an Agreement (No XI) by joint commissioners appointed for the purpose

In 1875 Jung Bahadur proposed to pay a second visit to Europe but found it necessary to abandon his intention on the eve of his departure In 1876 the Prince of Wales visited him in the Nepale e Tarai for sport On the 25th February 1877 Jung Bahadur died at the age of about sixty, at Patthargatta on the Baghmati river Notwithstanding Jung Bahadur s own efforts of late years to discountenance the barbarous rite three of his widows became sati His next surviving brother Ranudip Singh was endowed by the Maharaja Dhiraj with the titles and honours held by the late Jung Bahadur and was appointed Prime Minister of Nepal

Jung Bahadur had arranged that the provinces bestowed upon him should pass to his heirs in hereditary succession while the office of minister should go to his eldest surviving brother and thereafter from brother to brother till the death of the last when it should revert to his own eldest son Jagat Jung The appropriation by Ranudip Singh of these provinces was one of the main causes of the dissensions that followed

Trilokya Bir Bikram Sah heir apparent of Nepal and son in law of Jung Bahadur, died suddenly on the 30th March 1878 His death was followed on the 17th May 1881 by that of his father the Maharaja Dhiraj Surendra Bikram Sah and on the 13th July 1881 by that of the ex Maharaja Rajendra Bikram Sah, who had abdicated thirty four years previously Surendra Bikram Sah was succeeded by his grandson

Prithvi Bir Bikram Sah, a child aged six, who was enthroned on the 1st December 1881.

A conspiracy against the Prime Minister (Ranudip Singh) and the Commander-in-Chief (Dhir Shumshere) was detected in January 1882. Jagat Jung was suspected of complicity, and a sentence of exile was passed against him. For some months there was an unquiet feeling at the capital; but in time anxiety subsided and apparent tranquillity was so far restored that Jagat Jung was permitted to return to Nepal in the spring of 1885. Thereafter there were signs of a *rapprochement* between Jagat Jung and Ranudip Singh. This was regarded as inimical to their interests by the sons of Jung Bahadur's youngest brother, Dhir Shumshere, who had died in 1884; and on the night of the 22nd November 1885 they rose against Ranudip Singh and, having put him to death, seized all power in the State in the name of the sovereign. Jagat Jung and his eldest son were also killed at the same time. Bir Shumshere, the eldest son of Dhir Shumshere, assumed the post of Prime Minister together with the titles and estates enjoyed by Ranudip Singh.

A daughter (the Jetha Maharani) and two sons (Padam Jung and Ranbir Jung) of Jung Bahadur, as well as other Sardars (notably Kedar Nar Singh, adopted son of Ranudip Singh) took refuge in the British Residency and were eventually sent, through the influence of the Government of India, with their families and much property, to India.

The Maharaja Dhiraj announced in a kharita, dated the 23rd November 1885, the succession of Bir Shumshere as Prime Minister of Nepal. The Government of India decided to recognise the *de facto* administration which had been established, and this was intimated to the Maharaja Dhiraj on the 30th January 1886 in a kharita which, while absolving him from personal responsibility or concern in the matter, pointed out that the act by which the lives of Ranudip Singh and Jagat Jung were brought to an end seemed very difficult to justify.

In March 1892 Lord Roberts, Commander-in-Chief in India, visited Nepal at the invitation of the Nepal Government and was well received at Kathmandu. In the cold weather of 1892-93 Bir Shumshere visited India in the capacity of Ambassador of the Maharaja Dhiraj and made an extended tour throughout the country; and in February 1899 he proceeded to Calcutta in the same capacity on a complimentary visit to Lord Curzon, the newly appointed Viceroy.

Bir Shumshere died on the 5th March 1901, and was succeeded as Prime Minister by his brother, Deb Shumshere. Within a very few months, however, Deb Shumshere was deposed and on the 26th June 1901 his younger brother the Commander-in-Chief, General Chandra Shumshere Jung, Rana Bahadur, was appointed Prime Minister and Marshal. Deb Shumshere was removed to Dhankuta. From there he

went to Ilam, near the Darjeeling frontier, whence he escaped to British India, where he resided in exile near Mussoorie till his death.

In 1903 Chandra Shumshere Jung represented the Maharaja Dhiraj at the Delhi Darbar and, in 1904 he paid a special visit to Lord Curzon at Calcutta. In the latter year a Chinese Mission came to Nepal and conferred on him the title of "Thong Lin Pim-Ma-Ko-Kang Wang-Sian".

In 1904 the Nepal Government received the thanks of the Government of India for their assistance and for their correct and friendly attitude on the occasion of the British Mission to Tibet. In the same year the Nepal Government exempted during peace time all Gurkha officers of the Indian Army, when on furlough or after retirement in Nepal from the forms of forced labour known as *begar* and *jhara*.

In 1906 preparations were made to entertain His Majesty King George V then Prince of Wales at a shoot in the Nepal Terai but an outbreak of cholera caused the abandonment of the visit. In November 1906 Lord Kitchener, the Commander in Chief in India visited Kathmandu.

In 1907, Chandra Shumshere Jung paid a special visit to Lord Minto at Calcutta and in 1908 he visited England and was received by the King Emperor.

The Maharaja Dhiraj Prithvi Bir Bikram Sah died on the 11th December 1911 and was succeeded by his son the present Sovereign His Majesty the Maharaja Dhiraj Tribhubana Bir Bikram Jung Bahadur Shah Bahadur Shumshere Jung. Later in the same month His Majesty King George V visited the Nepal Terai on a shooting expedition after receipt of a formal request from the Royal family the Prime Minister and the Government of Nepal that the visit should take place in spite of the recent death of the Maharaja Dhiraj.

A day before the outbreak of the Great War the Government of Nepal offered the entire military resources of Nepal in the event of Great Britain being involved. The loan of 10 000 troops was accepted, and the first contingent after preliminary training in Nepal left Kathmandu on March 3rd and 4th 1915 under the command of General Baber Shumshere Jung the Prime Minister's second son and General Padma Shumshere Jung, son of the Commander in Chief. Other contingents followed. All received their full Nepalese pay from the Nepal Government during their absence from their country and were kept up to strength by periodical drafts. Considerable assistance was also given in money and material and 55 000 recruits were furnished for the Gurkha battalions of the Indian Army, whose number was raised from 20 to 33 and maintained at full strength throughout the War. In January 1917 Maharaja Chandra Shumshere Jung paid a private visit to Lord Chelmsford at

Bankipur. In June 1919, when war broke out with Afghanistan, the Nepal Government sent a contingent of 2,000 men to India under the Command of Generals Baber and Padma Shumshere Jung. Later in the same year the Government of India offered the Government of Nepal an annual present of 10 lakhs of rupees so long as relations between the two Governments remained friendly, in appreciation of the unswerving devotion and friendship expressed during the Great War and as a recognition of the services of the Nepalese troops in India and on the North-Western Frontier. This offer was accepted.

In 1920 the designation of the British representative in Nepal was changed from "Resident" to "British Envoy at the Court of Nepal", and the Residency became the British Legation. In the same year the Government of Nepal passed measures providing for the emancipation of slaves in certain circumstances.

In the early part of 1921 Maharaja Chandra Shumshere Jung visited India and was received by His Royal Highness the Duke of Connaught at Calcutta. On the invitation of the Nepal Government His Royal Highness the Prince of Wales visited the Nepal Tarai in December 1921.

In June 1923, with the consent of the Government of India, that part of the engagement of the 6th November 1839 (No. VI) by which the Government of Nepal undertook to have no intercourse with the dependent allies of the East India Company beyond the Ganges, was cancelled.

In September 1923 the Government of India officially recognised the practice of the Government of Nepal in employing Indian British subjects without previous reference. This practice had been carried on for many years, though it was at variance with the 7th Article of the treaty of the 2nd December 1815 (No. III) by which the Nepal Government had bound themselves not to take into their service any British subject, or any subject of any European or American State, without the consent of the British Government.

On the 21st December 1923 a fresh Treaty (No. XIII) was concluded between the British Government and the Government of Nepal with a view to strengthen the friendship which had subsisted since 1815. All existing treaties subsequent to and including the Treaty of Segauli of 1815 (No. III) were confirmed and the internal and external independence of both Governments were reasserted. The Treaty was ratified by the King Emperor on the 10th May 1924 and by the Maharaja Dhiraj of Nepal on the 8th April 1925 on which date ratified copies were exchanged.

A topographical survey of Nepal was begun in 1924 and completed in 1927.

In the same year Maharaja Chandra Shumshere Jung announced to the Council of Bharadars a comprehensive scheme of emanicipation of slaves, by state purchase, in pursuance of the measures passed in 1920.

This scheme was completed by the summer of 1926 at a cost equivalent to about 43 lakhs of British rupees. Approximately 60,000 slaves received their freedom.

In 1926 Maharaja Chandra Shumshere Jung received from the Maharaja Dhiraj the titles of Supreme Commander in Chief and Projjwal Nepal Taradhish or Grand Master of the Refulgent Star of Nepal, an Order which had been instituted by the Maharaja Dhiraj in 1920.

In March 1926 Messrs. Martin & Co. of Calcutta began the work of constructing the first railway into Nepal. The line, a metre gauge, runs from Raxaul on the Bengal and North Western Railway as far as Bichakoh or Amlekhgunj, a distance of 25 miles, and is under State control. It was opened in February 1927 by His Majesty the Maharaja Dhiraj.

In 1927 Maharaja Chandra Shumshere Jung paid a special visit to Calcutta to meet Lord Irwin, who, however, fell ill and the meeting did not take place.

The population of Nepal, according to a census taken in 1921, consisted of 2,854,727 males and 2,784,365 females. Of the total of 5,639,092 persons 289,861 lived in the Nepal valley, 3,315,992 in the hills and 2,033,239 in the Tarai and plain country.

The census of India, 1921, showed a total of 273,932 persons born in Nepal but resident in India, a diminution of 6,316 since the census of 1911.

The Nepalese Army consisted in 1926 of 123 cavalry, 33,069 infantry, 200 armed Police, 3,100 artillery, 42 guns, 28 machine guns and 80 Lewis guns in addition to transport.

Nepal is not a member of the League of Nations.

No. I.

TREATY of COMMERCE with NEPAUL,—1st March 1792.

Treaty authenticated under the seal of Maha Rajah Run Behauder Shah Behauder Shemshere Jung; being according to the Treaty transmitted by Mr. Jonathan Duncan, the Resident at Benares, on the part of Right Honourable Charles, Earl Cornwallis, K.G., Governor-General in Council, and empowered by the said authority to conclude a Treaty of Commerce with the said Maha Rajah, and to settle and fix the duties payable by the subjects of the respective States of the Honourable English Company and those of Nepaul, the said gentleman charging himself with whatever relates to the duties thus to be payable by the subjects of the Nepaul Government to that of the Company; in like manner as hath the aforesaid Maha Rajah, with whatever regards the duties thus to be payable by the subjects of the Company's Government to that of Nepaul; and the said Treaty having been delivered to me (the said Maha Rajah) by Mowlavy Abdul Kadir Khan, the aforesaid gentleman's vakeel, or agent; this counterpart thereof having been written by the Nepaul Government, hath been committed to the said Khan, as hereunder detailed:—

ARTICLE 1.

Inasmuch as an attention to the general welfare, and to the ease and satisfaction of the merchants and traders, tends equally to the reputation of the administrators of both Governments of the Company and of Nepaul; it is therefore agreed and stipulated, that 2½ per cent. shall reciprocally be taken, as duty, on the imports from both countries; such duties to be levied on the amount of the invoices of the goods which the merchants shall have along with them; and to deter the said traders from exhibiting false invoices, the seal of the customs houses of both countries shall be impressed on the back of the said invoices, and copy thereof being kept, the original shall be restored to the merchants; and in cases where the merchant shall not have along with him his original invoice, the custom house officers shall, in such instance, lay down the duty of 2½ per cent. on a valuation according to the market price.

ARTICLE 2.

The opposite stations hereunder specified, within the frontiers of each country, are fixed for the duties to be levied, at which place the traders are to pay the same; and after having once paid duties and receiving a rowannah thereon, no other or further duty shall be payable throughout each country or dominion respectively.

ARTICLE 3.

Whoever among the officers on either side shall exceed in his demands for, or exaction of duty, the rate here specified, shall be exemplarily punished by the government to which he belongs, so as effectually to deter others from like offences.

ARTICLE 4

In the case of theft or robberies happening on the goods of the merchants, the Foujedar, or officer of the place, shall advising his superiors or Government thereof speedily cause the zamindars and proprietors of the spot to make good the value which is in all cases, without fail, to be so made good to the merchants

ARTICLE 5

In cases where in either country any oppression or violence be committed on any merchant, the officers of country wherein this may happen shall without delay, hear and inquire into the complaints of the persons thus aggrieved and doing them justice, bring the offenders to punishment

ARTICLE 6

When the merchants of either country having paid the established duty shall have transported their goods into the dominions of one or the other State if such goods be sold within such State it is well but if such goods not meeting with sale, and that the said merchants be desirous to transport their said goods to any other country beyond the limits of either of the respective States included in the Treaty, the subjects and officers of these latter shall not take thereon any other or further duty than the fixed one levied at the first entry and are not to exact double duties but are to allow such goods to depart in all safety without opposition

ARTICLE 7

This Treaty shall be of full force and validity in respect to the present and future rulers of both Governments, and, being considered on both sides as a Commercial Treaty and a basis of concord between the two States is to be at all times, observed and acted upon in times to come for the public advantage and the increase of friendship

On the 5th of Rejeb, 1206 of the Hegira, and 1199 of the Fussellee style agreeing with the 1st of March 1792 of the Christian, and with the 22nd of Phagun 1848 of the Sunbut Æra, two Treaties, to one tenor, were written for both the contracting parties, who have mutually engaged that from the 3rd Bysack 1849 of the Sunbut Æra, the officers of both States shall, in pursuance of the strictest orders of both Governments, immediately carry into effect and observe the stipulations aforesaid, and not wait for any further or new direction

---

No II

TREATY with the RAJA of NEPAUL,—1801

Whereas it is evident as the noonday sun to enlightened understanding of exalted nobles and of powerful Chiefs and Rulers, that Almighty God has entrusted the protection and government of the universe to the authority of Princes, who make justice their principle, and that by the establishment of a friendly connection

between them universal happiness and prosperity is secured, and that the more intimate the relation of amity and union the greater is the general tranquillity: in consideration of these circumstances, His Excellency the Most Noble the Governor-General Marquis Wellesley, etc., etc., and the Maharaja have established a system of friendship between the respective Governments of the Company and the Raja of Nepaul, and have agreed to the following Articles:—

ARTICLE 1.

It is necessary and incumbent upon the principals and officers of the two Governments constantly to exert themselves to improve the friendship subsisting between the two States, and to be zealously and sincerely desirous of the prosperity and success of the Government and subjects of both.

ARTICLE 2.

The incendiary and turbulent representations of the disaffected, who are the disturbers of our mutual friendship, shall not be attended to without investigation and proof.

ARTICLE 3.

The principals and officers of both Governments will cordially consider the friends and enemies of either State to be the friends and enemies of the other; and this consideration must ever remain permanent and in force from generation to generation.

ARTICLE 4.

If any one of the neighbouring powers of either State should commence any altercation or dispute, and design, without provocation, unjustly to possess himself of the territories of either country, and should entertain hostile intentions with the view of taking that country, the vakeels on the part of our respective Governments at either Court will fully report all particulars to the head of the State, who, according to the obligations of friendship subsisting between the two States, after having heard the said particulars, will give whatever answer and advice may be proper.

ARTICLE 5.

Whenever any dispute of boundary and territory between the two countries may arise, such dispute shall be decided, through our respective vakeels or our officers, according to the principles of justice and right; and a landmark shall be placed upon the said boundary, and which shall constantly remain, that the officers both now and hereafter may consider it as a guide, and not make any encroachment.

ARTICLE 6.

Such places as are upon the Frontiers of the dominions of the Nabob Vizier and of Nepaul, and respecting which any dispute may arise, such dispute shall be

settled by the mediation of the vakeel on the part of the Company, in the presence of one from the Nepaul Government, and one from His Excellency the Vizier

ARTICLE 7

So many elephants, on account of Muckanacinpoor are annually sent to the Company by the Raja of Nepaul, and therefore the Governor General with a view of promoting the satisfaction of the Raja of Nepaul, and in consideration of the improved friendly connection and of this new Treaty, relinquishes and foregoes the tribute above mentioned and directs that the officers of the Company both now and hereafter, from generation to generation, shall never, during the continuance of the engagement contracted by this Treaty (so long as the conditions of this treaty shall be in force), exact the elephants from the Raja

ARTICLE 8

If any of the dependents or inhabitants of either country should fly and take refuge in the other and a requisition should be made for such persons on the part of the Nepaul Government by its constituted vakeel in attendance on the Governor General or on the part of the Company s Government by its representative residing at Nepaul it is in this case mutually agreed that if such person should have fled after transgressing the laws of his Government it is incumbent upon the principals of both Governments immediately to deliver him up to the vakeel at their respective courts that he may be sent in perfect security to the frontier of their respective territories

ARTICLE 9

The Maha Raja of Nepaul agrees that a pergunnah with all the lands attached to it, excepting privileged lands and those appropriated to religious purposes and to jaghires, etc , which are specified separately in the account of collections shall be given up to Samee Jeo for his expenses, as a present The conditions with respect to Samee Jeo are, that if he should remain at Benares or at any other place within the Company's provinces and should spontaneously farm his jaghire to the officers of Nepaul, in that event the amount of collections shall be punctually paid to him agreeably to certain kists which may be hereafter settled that he may appropriate the same to his necessary expenses and that he may continue in religious abstraction, according to his agreement, which he had engraved on brass at the time of his abdication of the Roy, and of his resigning it in my favour Again in the event of his establishing his residence in his jaghire, and of his realizing the collections through his own officers, it is proper that he should not keep such a one and other disaffected persons in his service, and besides one hundred men and maid servants, etc , he must not entertain any persons as soldiers, with a view to the collection of the revenue of the pergunnah , and to the protection of his person he may take two hundred soldiers of the forces of the Nepaul Government, the allowances of whom shall be paid by the Raja of Nepaul He must be cautious,

also of commencing altercation, either by speech or writing; neither must he give protection to the rebellious and fugitives of the Nepaul country, nor must he commit plunder and devastation upon the subjects of Nepaul. In the event of such delinquency being proved to the satisfaction of the two Governments, the aid and protection of the Company shall be withdrawn from him; and in that event, also, it shall be at the option of the Raja of Nepaul whether or not he will confiscate his jaghire.

The Maha Raja also agrees, on his part, that if Samee Jeo should take up his residence within the Company's provinces, and should farm out his land to the officers of Nepaul, and that the kists should not be paid according to agreement, or that he should fix his residence on his jaghire, and any of the inhabitants of Nepaul should give him or the ryots of his pergunnah any molestation, a requisition shall be made by the Governor-General of the Company, on this subject, to the Raja. The Governor-General is security for the Raja's performance of this condition, and the Maha Raja will immediately acquit himself of the requisition of the Governor-General, agreeably to what is above written. If any profits should arise in the collection of the said pergunnah, in consequence of the activity of the officers, or any defalcation occurs from their inattention, in either case the Raja of Nepaul will be totally unconcerned.

ARTICLE 10.

With the view of carrying into effect the different objects contained in this Treaty, and of promoting other verbal negotiation, the Governor-General and the Raja of Nepaul, under the impulse of their will and pleasure, depute a confidential person to each other as vakeel, that remaining in attendance upon their respective Governments, they may effect the objects above specified, and promote whatever may tend to the daily improvement of the friendship subsisting between the two States.

ARTICLE 11.

It is incumbent upon the principals and officers of the two States that they should manifest the regard and respect to the vakeel of each other's Government, which is due to their rank, and is prescribed by the laws of nations; and that they should endeavour, to the utmost of their power, to advance any object which they may propose, and to promote their ease, comfort, and satisfaction, by extending protection to them, which circumstances are calculated to improve the friendship subsisting between the two Governments, and to illustrate the good name of both States throughout the universe.

ARTICLE 12.

It is incumbent upon the vakeels of both States that they should hold no intercourse whatever with any of the subjects or inhabitants of the country, excepting with the officers of Government, without the permission of those officers; neither should they carry on any correspondence with any of them; and if they should

receive any letter or writing from any such people, they should not answer it, without the knowledge of the head of the State, and acquainting him of the particulars, which will dispel all apprehension or doubt between us and manifest the sincerity of our friendship

ARTICLE 13

It is incumbent upon the principals and officers mutually to abide by the spirit of this Treaty which is now drawn out according to their faith and religion and deeming it in force from generation to generation that they should not deviate from it and any person who may transgress against it will be punished by Almighty God, both in this world and in a future state

Ratified by the Governor General and Council 30th October 1801, and by the Nepaul Darbar on the 28th October 1802

———

SEPARATE ARTICLE of a TREATY with the RAJAH of NEPAUL concluded at DINAPORE, —*October 26th 1801*

The Engagement contracted by Maha Rajah, etc, etc, with His Excellency the Most Noble the Governor General, etc, etc, respecting the settlement of a provision for the maintenance of Purncahir Goonanund Swammee Jee the illustrious father of the said Maha Rajah is to the following effect —

That an annual income, amounting to Patna Sicca Rupees eighty two thousand of which seventy two thousand shall be paid in cash and ten thousand in elephants half male and half female to be valued at the rate of one hundred and twenty five rupees per cubit shall be settled on the said Swammee Jee commencing from the month of Aughun 1858, as an humble offering to assist in the maintenance of his household, and for the purpose of supplying the said income that the Purgunnah of Beejapoor, with all the lands thereunto attached (excepting rent free lands religious or charitable endowments, jaghires and such like as specified separately in the account of collections) be settled on the said Swammee Jee, under the following conditions That in the event of his residing at Benares or other place within the territories of the Honorable Company, and of his voluntarily committing the collections of the said jaghire to the servants of the Nepaul Government in such case seventy two thousand rupees in cash, and elephants to the value of ten thousand rupees shall be punctually remitted year after year, by established kists, to the said Swammee Jee, without fail or delay, so that, appropriating the same to his necessary expenses, he may devote himself to the worship of the Supreme Being in conformity to his own declaration, engraved on copper at the time of his abdicating the Raje and of his bestowing it on the said Maha Rajah, and further, in the event of his establishing his residence upon his jaghire and of his realizing the collections through his own officers, it is requisite that he should not keep in his service fomenters of sedition and disturbance, that he shall retain no more than one hundred male and female attendants, and that he shall not retain about his person soldiers of any description That for the purpose of collecting

the revenues of the aforesaid pergunnahs and for his personal protection, he may have from the Rajah of Nepaul as far as two hundred men of the troops of that country, and the allowance of such men shall be defrayed by the Maha Rajah himself. He must not attempt, either by speech or writing, to excite commotion nor harbour about his person rebels and fugitives from the territories of Nepaul, neither must he commit any depredations upon the subjects of that country. And in the event of such delinquency being established to the satisfaction of both parties, that the aid and protection of the Honorable Company shall be withdrawn from the said Swammee Jee, in which case it shall be at the option of the Maha Rajah to confiscate his jaghire. It is also agreed by the Maha Rajah that, provided Swammee Jee should fix his residence within the Honorable Company's territories, and should commit the collections of his jaghire to the officers of the Nepaul Government, in that case, should the kists not be paid according to the conditions above specified, or in the event of his residing upon his jaghire, provided any of the subjects of Nepaul give him or ryots of his pergunnah any molestation, in either case the Governor-General and the Honorable Company have a right to demand reparation from the Rajah of Nepaul. The Governor-General is guarantee that the Rajah of Nepaul performs this condition, and the Maha Rajah, on the requisition of the Governor-General, will instantly fulfil his engagements as above specified. In any augmentation of the collections from the judicious management of the officers of Swammee Jee, or in any diminution from a contrary cause, the Maha Rajah is to be equally unconcerned, the Maha Rajah engaging that, on delivering over the Pergunnah of Beejapoor to the officers of Swammee Jee, the amount of the annual revenue shall be Patna Sicca Rupees 72,000; that should it be less he will make good the deficiency, and in case of excess, that Swammee Jee be entitled thereto.

Ratified by the Governor-General and Council on the 30th October 1801, and by the Nepaul Durbar on the 28th October 1802.

No. III.

TREATY OF PEACE between the HONOURABLE EAST INDIA COMPANY and MAHA RAJAH BIKRAM SAH, Rajah of Nipal, settled between LIEUTENANT-COLONEL BRADSHAW on the part of the HONOURABLE COMPANY, in virtue of the full powers vested in him by HIS EXCELLENCY the RIGHT HONOURABLE FRANCIS, EARL of MOIRA, KNIGHT of the MOST NOBLE ORDER of the GARTER, one of HIS MAJESTY'S MOST HONOURABLE PRIVY COUNCIL, appointed by the Court of Directors of the said Honourable Company to direct and control all the affairs in the East Indies, and by SREE GOOROO GUJRAJ MISSER and CHUNDER SEEKUR OPEDEEA on the part of MAHA RAJAH GIRMAUN JODE BIKRAM SAH BAHAUDER, SHUMSHEER JUNG, in virtue of the powers to that effect vested in them by the said Rajah of Nipal,—*2nd December 1815.*

Whereas war has arisen between the Honourable East India Company and the Rajah of Nipal, and whereas the parties are mutually disposed to restore the rela-

tions of peace and amity which previously to the occurrence of the late differences had long subsisted between the two States the following terms of peace have been agreed upon —

ARTICLE 1ST

There shall be perpetual peace and friendship between the Honourable East India Company and the Rajah of Nipal

ARTICLE 2ND

The Rajah of Nipal renounces all claim to the lands which were the subject of discussion between the two States before the war and acknowledges the right of the Honourable Company to the sovereignty of those lands

ARTICLE 3RD

The Rajah of Nipal hereby cedes to the Honourable the East India Company in perpetuity all the undermentioned territories *viz* —

First —The whole of the low lands between the Rivers Kali and Rapti

Secondly —The whole of the low lands (with the exception of Bootwul Khass) lying between the Rapti and the Gunduck

Thirdly —The whole of the low lands between the Gunduck and Coosah in which the authority of the British Government has been introduced or is in actual course of introduction

Fourthly —All the low lands between the Rivers Mitchee and the Teestah

Fifthly —All the territories within the hills eastward of the River Mitchee including the fort and lands of Nagree and the Pass of Nagarcote leading from Morung into the hills together with the territory lying between that Pass and Nagree The aforesaid territory shall be evacuated by the Gurkha troops within forty days from this date

ARTICLE 4TH

With a view to indemnify the Chiefs and Barahdars of the State of Nipal whose interests will suffer by the alienation of the lands ceded by the foregoing Article the British Government agrees to settle pensions to the aggregate amount of two lakhs of rupees per annum on such Chiefs as may be selected by the Rajah of Nipal and in the proportions which the Rajah may fix As soon as the selection is made Sunnuds shall be granted under the seal and signature of the Governor General for the pensions respectively

ARTICLE 5TH

The Rajah of Nipal renounces for himself his heirs and successors all claim to or connexion with the countries lying to the west of the River Kali and engages never to have any concern with those countries or the inhabitants thereof

ARTICLE 6TH.

The Rajah of Nipal engages never to molest or disturb the Rajah of Sikkim in the possession of his territories; but agrees, if any differences shall arise between the State of Nipal and the Rajah of Sikkim, or the subjects of either, that such differences shall be referred to the arbitration of the British Government, by whose award the Rajah of Nipal engages to abide.

ARTICLE 7TH.

The Rajah of Nipal hereby engages never to take or retain in his service any British subject, nor the subject of any European and American State, without the consent of the British Government.

ARTICLE 8TH.

In order to secure and improve the relations of amity and peace hereby established between the two States, it is agreed that accredited Ministers from each shall reside at the Court of the other.

ARTICLE 9TH.

This treaty, consisting of nine Articles, shall be ratified by the Rajah of Nipal within fifteen days from this date, and the ratification shall be delivered to Lieut.-Colonel Bradshaw, who engages to obtain and deliver to the Rajah the ratification of the Governor-General within twenty days, or sooner, if practicable.

Done at Segowlee, on the 2nd day of December 1815.

PARIS BRADSHAW, *Lt.-Col.*, P.A.

Received this treaty from Chunder Seekur Opedcea, Agent on the part of the Rajah of Nipal, in the valley of Muckwaunpoor, at half-past two o'clock p.m., on the 4th of March 1816, and delivered to him the Counterpart Treaty on behalf of the British Government.

DD. OCHTERLONY,

Agent, Governor-General.

No IV.

MEMORANDUM for the approval and acceptance of the RAJAH of NIPAL, presented on the *8th December 1816*

Adverting to the amity and confidence subsisting with the Rajah of Nipal, the British Government proposes to suppress, as much as is possible, the execution of certain Articles in the Treaty of Segowlee, which bear hard upon the Rajah, as follows —

2 With a view to gratify the Rajah in a point which he has much at heart, the British Government is willing to restore the Terai ceded to it by the Rajah in the Treaty, to wit, the whole Terai lands lying between the Rivers Coosah and Gunduck, such as appertained to the Rajah before the late disagreement, excepting the disputed lands in the Zillahs of Tirhoot and Sarun, and excepting such portions of territory as may occur on both sides for the purpose of settling a frontier, upon investigation by the respective Commissioners and excepting such lands as may have been given in possession to any one by the British Government upon ascertainment of his rights subsequent to the cession of Terai to that Government In case the Rajah is desirous of retaining the lands of such ascertained proprietors, they may be exchanged for others, and let it be clearly understood that, notwithstanding the considerable extent of the lands in the Zillah of Tirhoot, which have for a long time been a subject of dispute the settlement made in the year 1812 of Christ, corresponding with the year 1869 of Bikramajeet, shall be taken, and everything else relinquished, that is to say, that the settlement and negotiations, such as occurred at that period, shall in the present case hold good and be established

3 The British Government is willing likewise to restore the Terai lying between the Rivers Gunduk and Rapti, that is to say, from the River Gunduk to the western limits of the Zillah of Goruckpore, together with Bootwul and Sheeraj such as appertained to Nipal previous to the disagreements, complete, with the exception of the disputed places in the Terai, and such quantity of ground as may be considered mutually to be requisite for the new boundary

4. As it is impossible to establish desirable limits between the two States without survey, it will be expedient that Commissioners be appointed on both sides for the purpose of arranging in concert a well defined boundary on the basis of the preceding terms, and of establishing a straight line of frontier, with a view to the distinct separation of the respective territories of the British Government to the south and of Nipal to the north, and in case any indentations occur to destroy the even tenor of the line, the Commissioners should effect an exchange of lands so interfering on principles of clear reciprocity

5. And should it occur that the proprietors of lands situated on the mutual frontier, as it may be rectified, whether holding of the British Government or of the Rajah of Nipal, should be placed in the condition of subjects to both Governments, with a view to prevent continual dispute and discussion between the two Governments, the respective Commissioners should effect in mutual concurrence

and co-operation the exchange of such lands, so as to render them subject to one dominion alone.

6. Whenever the Terai should be restored, the Rajah of Nipal will cease to require the sum of two lakhs of Rupees per annum, which the British Government agreed to advance for the maintenance of certain Barahdars of his Government.

7. Moreover, the Rajah of Nipal agrees to refrain from prosecuting any inhabitants of the Terai, after its reverting to his rule, on account of having favoured the cause of the British Government during the war, and should any of those persons, excepting the cultivators of the soil, be desirous of quitting their estates, and of retiring within the Company's territory, he shall not be liable to hindrance.

8. In the event of the Rajah's approving the foregoing terms, the proposed arrangement for the survey and establishment of boundary marks shall be carried into execution, and after the determination in concert, of the boundary line, Sunnuds conformable to the foregoing stipulations, drawn out and sealed by the two States, shall be delivered and accepted on both sides.

EDWARD GARDNER,
Resident.

SUBSTANCE of a LETTER under the Seal of the RAJA of NEPAL received on the *11th December 1816.*

After compliments,

I have comprehended the document under date the 8th of December 1816, or 4th of Poos 1873 Sumbut, which you transmitted relative to the restoration, with a view to my friendship and satisfaction, of the Terai between the Rivers Coosa and Rapti to the southern boundary complete, such as appertained to my estate previous to the war. It mentioned that in the event of my accepting the terms contained in that document the southern boundary of the Terai should be established as it was held by this Government. I have accordingly agreed to the terms laid down by you and herewith enclose an instrument of agreement, which may be satisfactory to you. Moreover, it was written in the document transmitted by you, that it should be restored, with the exception of the disputed lands and such portion of land as should, in the opinion of the Commissioners on both sides, occur for the purpose of settling a boundary, and excepting the lands which, after the cessions of the Terai to the Honorable Company, may have been transferred by it to the ascertained proprietors. My friend, all these matters rest with you, and since it was also written that a view was had to my friendship and satisfaction with respect to certain Articles of the Treaty of Segowlee, which bore hard upon me, and which could be remitted, I am well assured that you have at heart the removal of whatever may tend to my distress, and that you will act in a manner corresponding to the advantage of this State and the increase of the friendly relations subsisting between the two Governments.

Moreover I have to acknowledge the receipt of the orders under the red seal of this State, addressed to the officers of Terai between the Rivers Gunduk and Rapti, for the surrender of that Terai, and their retiring from thence, which was given to you at Thankote, according to your request, and which you have now returned for my satisfaction

---

SUBSTANCE of a DOCUMENT under the Red Seal, received from the DURBAR, on the *11th December 1816*

With a regard to friendship and amity, the Government of Nipal agrees to the tenor of the document under date the 8th of December 1816 or 4th Poos 1873 Sumbut which was received by the Durbar from the Honourable Edward Gardner on the part of the Honourable Company, respecting the revertance of the Terai between the Rivers Coosa and Rapti to the former southern boundary, such as appertained to Nipal previous to the war, with exception of the disputed lands

Dated the 7th of Poos 1873 Sumbut

No V

PAPER received from the DURBAR regarding the surrender of THUGS on the *20th January 1837*

The following is the arrangement proposed in thuggee surrenders, and is translated *verbatim et literatim*

When a thug approver or approvers make an allegation of murder by means of poison, or strangling, against an individual said to be residing in Nipal, and when the charge is accompanied by a description of the accused person an enumeration of his family, brothers or other relations, and the name of his village given, or his habitation otherwise described and when on investigation by the local officers of Nipal into the above it appears that the accused has not been a permanent resident at the place, that his people and family are not forthcoming, that he has no ostensible means of livelihood, and that his mode of living is nevertheless comfortable, or that it appears that he has been in the habit of residing for three or four months together at different places in the neighbourhood, and that without ostensible means of livelihood he is still enable to exist, and when all or several of these circumstances correspond with the approver s statement then will the Nipal Government make surrender of such individuals to the Magistrates of the British Government for trial and punishment On the other hand (recapitulate the above details), it is expected that the Magistrates of the British Government will surrender

such individuals to the Nipalese authorities of the Terai, for trial and punishment by the Nipal Government.

Further, when on investigation of the allegations of the approvers by the local officers of either Government, the charge is found not to correspond with the circumstances of the individuals, or to be otherwise untenable it will by all means be necessary that in such cases surrender be withheld.

No. VI.

TRANSLATION of an ENGAGEMENT under the Red Seal, in the form of a letter, from MAHARAJAH of NIPAL to RESIDENT,—dated *6th November 1839*.

According to your (Resident's) request and for the purpose of perpetuating the friendship of the two States as well as to promote the effectual discharge of current business, the following items are fixed :—

1st. All secret intrigues whatever, by messengers or letters, shall totally cease.

2nd. The Nipal Government engages to have no further intercourse with the dependent allies of the Company beyond the Ganges, who are by Treaty precluded from such intercourse, except with the Resident's sanction and under his passports.

3rd. With the Zamindars and baboos on this side of the Ganges who are connected by marriage with the Royal family of Nipal, intercourse of letters and persons shall remain open to the Nipal Government as heretofore.

4th. It is agreed to as a rule for the guidance of both Sircars, that in judicial matters where civil causes arise there they shall be heard and decided ; and the Nipal Government engages that for the future British subjects shall not be compelled to plead in the Courts of Nipal to civil actions, having exclusive reference to their dealings in the plains.

5th. The Nipal Government engages that British subjects shall hereafter be regarded as her own subjects in regard to access to the Courts of Law, and that the causes of the former shall be heard and decided without denial or delay, according to the usages of Nipal.

6th. The Nipal Government engages that an authentic statement of all the duties leviable in Nipal shall be delivered to the Resident, and that hereafter unauthorised imposts not entered in this list shall not be levied on British subjects.

No. VII.

TRANSLATION of an ICKRAR NAMEH signed by the GOOROOS, CHOUNTRAS, CHIEFS, etc., etc., of Nipal, dated Saturday, Poos Soodi 9th, 1897, or *2nd January 1841*.

We the undersigned Gooroos, Chountras, Chiefs, etc., etc., of Nipal, fully agree to uphold the sentiments as written below, *viz.* :—

That it is most desirable and proper that a firm and steady friendship should exist and be daily increased between the British and Nipal Governments, that to this end every means should be taken to increase the friendly relations with the Company, and the welfare of the Nipal Government, that the Resident should ever and always be treated in an honourable and friendly manner, that if, nevertheless, any unforeseen circumstance or unjust or senseless proceeding should at any time arise to shake the friendly understanding which ought to exist between the two Sirkars, or to cause uproar and mischief at Khatmandoo, we should be responsible for it

Signed by 94 Chiefs

No VIII

TREATY between the HONOURABLE EAST INDIA COMPANY and HIS HIGHNESS MAHARAJAH DHERAJ SOORINDER VIKRAM SAH BAHADOOR, Rajah of Nipal,—*10th February 1855*

Treaty between the Honourable East India Company and His Highness Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Rajah of Nipal, settled and concluded on the one part by Major George Ramsay, Resident at the Court of His Highness, by virtue of full powers to that effect vested in him by the Most Noble James Andrew, Marquis of Dalhousie, Knight of the Most Ancient and Most Noble Order of the Thistle, one of Her Majesty's Most Honourable Privy Council and Governor General appointed by the Honourable Company to direct and control all their affairs in the East Indies, and on the other part by General Jung Bahadoor Koonwar Ranajee Prime Minister of Nipal, in the name and on behalf of Maharajah Dheraj Soorinder Vikram Sah Bahadoor Shumshere Jung, Rajah of Nipal, in virtue of the powers to that effect vested in him by the said Rajah of Nipal

ARTICLE 1ST

The two Governments hereby agree to act upon a system of strict reciprocity as hereinafter mentioned

ARTICLE 2ND

Neither Government shall be bound in any case to surrender any person not *being a subject of the Government making the requisition*

ARTICLE 3RD

Neither Government shall be bound to deliver up debtors, or civil offenders or any person charged with any offence not specified in Article 4

ARTICLE 4TH

Subject to the above limitations, any person who shall be charged with having committed, within the territories of the Government making the requisition, any

on the Dhundwa range of hills, and Colonel Sidhiman Sing Sahib Bahadur Raj Bhandari, *Commissioner of the Nipal Government for the settlement of the said* boundary, do agree that the boundary between the two States on the Dhundwa range of hills from the Arrah Nuddee to the hills above Baghora Tal shall be the foot of the lower spurs where they meet the plain to the south of the range, on the following conditions :—

First.—That the subjects of the British Government who come to the hills for banka shall have it at the rate of payment they have been used to make to Tulsipoor.

Second.—That the Nipal Government shall accept the boundary laid down by the Surveyor at the foot of the hills as a final settlement of the question.

I. F. MacAndrew, *Lieut.-Col.*,

The 7th January 1875. *Commr. for British Govt.*

Signed in Nipalese character.

No. XII.

Memorandum dated the 24th of June 1881, Supplemental to the Treaty with the State of Nepal, dated the 10th February 1855, A.D., corresponding to the 8th Fhagun, Sumbut 1911, and to the Memorandum with the State of Nepal, dated 23rd July 1866, A.D., corresponding to the 26th Asarh, Sumbat 1923, *for the mutual surrender of criminals,—24th June 1881.*

It is hereby agreed by Charles Edward Ridgeway Girdlestone, Esq., of the Bengal Civil Service, Resident at the Court of Nepal, by virtue of full powers vested in him by His Excellency the Most Hon'ble the Marquis of Ripon, K.G., G.M.S.I., G.M.I.E., Her Imperial Majesty's Viceroy and Governor-General of British India, and by Maharajah Sir Runoodeep Singh, Rana Bahadur, K.C.S.I., Thonglin Pimma Kokang Vyang Syang, Prime Minister and Commander-in-Chief of Nepal, by virtue of full powers vested in him by His Highness the Maharaj Adhiraj of Nepal.

That the offence of escaping from custody whilst undergoing punishment after conviction of any of the offences specified in the fourth Article of the aforesaid Treaty, or in the aforesaid Memorandum, shall be deemed to be added to the list of offences specified in the fourth Article of the aforesaid Treaty.

Executed at Katmandoo, this twenty-fourth day of June A.D. one thousand eight hundred eighty-one, corresponding to the thirteenth day of Asarh Sumbat one thousand nine hundred thirty-eight.

Charles Edward Ridgeway Girdlestone,

Resident in Nepal.

Ripon,

Viceroy and Governor-General of India.

This Treaty was ratified by His Excellency the Viceroy and Governor General of India at Simla on the eleventh day of August, one thousand eight hundred and eighty one.

A C LYALL,

Secretary to the Government of India,

Foreign Department

—

No XIII

TREATY of FRIENDSHIP between Great Britain and Nepal signed at KATMANDU, 21st December 1923 and Note bearing the same date respecting the importation of Arms and Ammunition into NEPAL—1923

(Exchange of ratifications took place at Katmandu on the 8th April 1925)

TREATY

Whereas peace and friendship have now existed between the British Government and the Government of Nepal since the signing of the Treaty of Segowlie on the 2nd day of December 1815 and whereas since that date the Government of Nepal has ever displayed its true friendship for the British Government and the British Government has as constantly shown its good will towards the Government of Nepal and whereas the Governments of both the countries are now desirous of still further strengthening and cementing the good relations and friendship which have subsisted between them for more than a century the two High Contracting Parties having resolved to conclude a new Treaty of Friendship have agreed upon the following Articles —

Article I —There shall be perpetual peace and friendship between the Governments of Great Britain and Nepal, and the two Governments agree mutually to acknowledge and respect each other s independence, both internal and external

Article II —All previous treaties, agreements and engagements, since and including the Treaty of Segowlie of 1815, which have been concluded between the two Governments are hereby confirmed, except so far as they may be altered by the present Treaty

Article III —As the preservation of peace and friendly relations with the neighbouring States whose territories adjoin their common frontiers is to the mutual interests of both the High Contracting Parties, they hereby agree to inform each other of any serious friction or misunderstanding with those States likely to rupture such friendly relations, and each to exert its good offices as far as may be possible to remove such friction and misunderstanding

Article IV.—Each of the High Contracting Parties will use all such measures as it may deem practicable to prevent its territories being used for purposes inimical to the security of the other.

Article V.—In view of the longstanding friendship that has subsisted between the British Government and the Government of Nepal and for the sake of cordial neighbourly relations between them, the British Government agrees that the Nepal Government shall be free to import from or through British India into Nepal whatever arms, ammunition, machinery, warlike material or stores may be required or desired for the strength and welfare of Nepal, and that this arrangement shall hold good for all time as long as the British Government is satisfied that the intentions of the Nepal Government are friendly and that there is no immediate danger to India from such importations. The Nepal Government, on the other hand, agrees that there shall be no export of such arms, ammunition, etc., across the frontier of Nepal either by the Nepal Government or by private individuals.

If, however, any Convention for the regulation of the Arms Traffic, to which the British Government may be a party, shall come into force, the right of importation of arms and ammunition by the Nepal Government shall be subject to the proviso that the Nepal Government shall first become a party to that Convention, and that such importation shall only be made in accordance with the provisions of that Convention.

Article VI.—No Customs duty shall be levied at British Indian ports on goods imported on behalf of the Nepal Government for immediate transport to that country provided that a certificate from such authority as may from time to time be determined by the two Governments shall be presented at the time of importation to the Chief Customs Officer at the port of import setting forth that the goods are the property of the Nepal Government, are required for the public services of the Nepal Government, are not for the purpose of any State monopoly or State trade, and are being sent to Nepal under orders of the Nepal Government.

The British Government also agrees to the grant in respect of all trade goods, imported at British Indian ports for immediate transmission to Katmandu without breaking bulk *en route*, of a rebate of the full duty paid, provided that in accordance with arrangements already agreed to between the two Governments, such goods may break bulk for repacking at the port of entry under Customs supervision in accordance with such rules as may from time to time be laid down in this behalf. The rebate may be claimed on the authority of a certificate signed by the said authority that the goods have arrived at Katmandu with the Customs seals unbroken and otherwise untampered with.

Article VII—This Treaty signed on the part of the British Government by Lieutenant Colonel W F T O Connor, C I F, C V O, British Envoy at the Court of Nepal, and on the part of the Nepal Government by General His Highness Maharaja Sir Chandra Shumshere Jung Bahadur Rana, G C B, G C S I, G C M G G C V O, D C L Thong-lin Pimma Kokang Wang Syan Prime Minister and Marshal of Nepal, shall be ratified and the ratification shall be exchanged at Katmandu as soon as practicable

Signed and sealed at Katmandu this the twenty first day of December in the year one thousand nine hundred and twenty three Anno Domini corresponding with the sixth Paush, Sambat Era one thousand nine hundred and eighty

W F T O CONNOR, *Lt Col*,
British Envoy at the
Court of Nepal

(Under Vernacular
translation of Treaty)
CHANDRA SHUMSHERE
Prime Minister and
Marshal of Nepal

NOTE

From the Prime Minister of Nepal, to the British Envoy at the Court of Nep tl

Nepal December 21, 1923

My dear Colonel O Connor,

Regarding the purchase of arms and munitions which the Government of Nepal buys from time to time for the strength and welfare of Nepal and imports to its own territory from and through British India in accordance with Article V of the Treaty between the two Governments the Government of Nepal hereby agrees that it will, from time to time before the importation of arms and munitions at British Indian Ports furnish detailed lists of such arms and munitions to the British Envoy at the Court of Nepal in order that the British Government may be in a position to issue instructions to the port authorities to afford the necessary facilities for their importation in accordance with Article VI of this Treaty

I am, etc ,

CHANDRA

To

Lieutenant Colonel W F T O CONNOR C I F , C V O ,
British Envoy at the Court of Nepal

The first notable event in Bhutan history is the outbreak of hostilities with Sikkim. The third Raja of Sikkim, Cha-dhor Nam Gyel, was born in 1686, and succeeded his father about 1700. In his youth he appears to have mortally offended his half-sister Pende Amo. On his accession the quarrel broke out again, and Pende Amo invited the Bhutanese to invade Sikkim and expel her brother. Accordingly the Deb Raja of Bhutan sent a force which overran Sikkim, occupied the palace, and compelled Raja Cha-dhor to fly to Tibet. The date of this invasion is variously given as from 1700 to 1706. Five or six years later, Raja Cha-dhor returned from Tibet, when the Bhutanese evacuated all Sikkim west of the Roro Chu and Tista river, but still continued to maintain their position at Fort Damsong and to occupy what is now the Kalimpong sub-division and the country between the De-chu and the Tegong-la range. In 1770 the Bhutanese again invaded Sikkim, but were utterly defeated.

Intercourse between the East India Company and Bhutan originated with the expedition sent in 1773 for the relief of the Raja of Cooch Behar (*See* Bengal Volume II). The Bhutanese, driven out of Cooch Behar and pursued into the hills, threw themselves on the protection of Tibet. The Tashi Lama, then Regent of Tibet and guardian of the Grand Lama of Lhasa, addressed the Company on their behalf The application was favourably received and a Treaty of peace (No. I) was concluded on the 25th April 1774, by which the Bhutanese agreed to pay the Company an annual tribute of five Tangan horses, to deliver up the Raja of Cooch Behar, and never to make any incursions into British territory or molest the rayats in any way.

From that time, with the exception of two unsuccessful commercial missions in 1774 and 1783, there was little intercourse with Bhutan until the British occupation of Assam, which connected the British and Bhutan frontiers. With the annexation of Assam began a series of aggressions by the Bhutanese on British territory, followed by reprisals on the part of the British, who occupied the Duars, or passes, which lie at the foot of the Bhutan Hills. Besides the Kuriapara Duar, formerly governed by the Towang Raja, who was immediately dependent on Lhasa and not on the Bhutan Darbar, there are in all nineteen* Duars

Bengal Duars.

*1 Damilkot.
2. Zamarkot.
3 Chirmarchi.
4. Lukhi.
5. Baxa.
6 Balka
7. Bara.

Goalpara or Eastern Duars.

8 Guma.
9 Ripu.
10. Chirang.
11 Sidli
12 Bagh or Bijni.

Kamrup Duars.

13. Gharkola.
14 Banska.
15. Chappagori.
16. Chappakhamar.
17 Bijni.

Darrang Duars

18 Burı Guma.
19. Kalling.

on the Bengal and Assam frontiers Over the Bengal Duars which extend from the Tista on the eastern boundary of Sikkim to the Sankos the Bhutanese had for many years held sovereign dominion and previous to the annexation of Assam by the British during the first Burmese War they had also wrested the Kamrup Duars from the Assamese while the Darrang Duars were held on joint tenure by the Bhutanese and Assamese For these seven Duars including the Tarai tract below them the Bhutanese paid a tribute in kind fixed at the value of Rs 3 019 The Kamrup Duars remained in the hands of the Bhutanese all the year round but the Darrang Duars were annually *surrendered to the Assamese Government from July to November* This anomalous provision led to trouble while a further and endless source of dispute arose from the fact that the tribute was paid in kind while its value was fixed in specie

After the annexation of Assam the tribute was paid to the British who also continued the system of joint occupation of the three Duars of Kuriapara Buri Guma and Killing but the character of the tenure and the mode of paying tribute were constant sources of irritation and quarrel In 1828 outrages by the Jongpen of Buri Guma resulted in the attachment of that Duar by the Company but in 1834 it was restored on payment of a fine Fresh outrages in the Bijni Duar in the following year coupled with a refusal to pay the current tribute were answered by threats of attachment which however were not carried out Wanton incursions from the Banska Duar in 1836 led to its attachment and ultimately to armed collision with the Bhutanese In 1837 Captain Pemberton was sent on a mission to the Deb and Dharma Rajas but he failed to secure any effectual or permanent settlement

In 1841 in consequence of renewed agressions and the increasing disorganisation of the country the seven Assam Duars comprising some 1 600 square miles in area were annexed to the British possessions and it was agreed that a sum of Rs 10 000 should be annually paid to the Chiefs as compensation this sum was considered equivalent to one third of the revenue of the Kamrup and Darrang Duars No written agreement was made regarding this arrangement

A similar arrangement under a written Engagement (No II) was made in 1844 with the Bhutia communities dependent on the Towang Raja and a sum of Rs 5 000 a year representing one third of the net revenue was fixed as compensation for the annexation of the Kuriapara Duar (*see* Vol XII—Assam)

These measures proved effectual as regards the country lying under this portion of the Bhutan Hills but disturbances continued along the Bengal section of the Duars At length in 1854 the Darbar sent a rude intimation that the compensation paid for the loss of the Assam Duars was insufficient and must be increased The natural refusal of the

Company to listen to this demand was followed by Bhutanese raids on Assam Lord Dalhousie intimated to the Darbar that in future all property plundered by the Bhutanese would be deducted from the annual payment on account of the Assam Duars and that further outrage would lead to the permanent annexation of the Duars on the Bengal side. These threats, however, produced no lasting effect; acts of kidnapping and plunder continued and in 1859-60 the cis-Tista territory known as the Ambari Fallakotta, which was held in farm from Bhutan, was taken possession of, the terms under which it would be restored being fully explained to the Deb Raja. As outrages did not cease and the usurpations of the frontier Governors made it doubtful whether letters to the Bhutan Government were not intercepted, the Deb and Dharma Rajas were informed that a mission would be sent to explain the British demands, the consequences of not acceding to them, and the terms of the treaty with the Raja of Sikkim, whom the Bhutan authorities had threatened to attack on the pretext that the Ambari Fallakotta rents had been withheld owing to the rupture between him and the Government of India After a year's delay, caused by the evasive replies of the Bhutan Goverment, the mission started in December 1863.

The Envoy, the Hon Ashley Eden, reached the capital, Punakha, on the 13th of March 1864, where he found the Deb and Dharma Rajas puppets in the hands of *Jigme Nam Gyel, the Tongsa Penlop*, the successful leader of an insurrection which had lately taken place He refused to treat except on condition of the restoration of the Assam Duars, subjected the mission to gross outrage and insult and only gave them permission to return after the Envoy had signed, under compulsion, an agreement that the Government of India would readjust the whole boundary between the two countries, restore the Assam Duars, deliver all runaway slaves and political offenders who had taken refuge in British territory and consent to be punished, by the Bhutan and Cooch Behar Governments acting together, if they ever made encroachments on Bhutan.

The engagement which had been extorted from the Envoy was at once repudiated by the Government of India: and, as a punishment for the treatment to which the mission had been subjected, the Ambari Fallakotta was declared (No. III) to be permanently annexed to the British dominions, the payment of revenue to Bhutan from the Assam Duars was stopped for ever, and the Bhutan Government were informed that, if the British demands were not complied with by the 1st September 1864, such further measures as might appear necessary would be adopted to enforce them. No steps having been taken, within the time specified, to comply with these demands, the Bengal Duars were permanently annexed (No. IV) and the districts were occupied by British troops.

Within a few months the Bhutan Government made overtures for peace and asked for the restoration of the Duars They were informed that the Duars could not be restored that if they were sincerely desirous of peace and would consent to the conditions laid down by the Government of India peace would be granted, but that if they delayed and an advance on Punakha became necessary much more stringent terms would be exacted Preliminary negotiations were accordingly opened and during their continuance hostilities were suspended The principal conditions offered to the Bhutan Government were that they should surrender all British subjects and all subjects of Cooch Behar and Sikkim detained in Bhutan against their will, that they should sign articles for the mutual extradition of criminals the maintenance of free trade and arbitration by the Government of India of all disputes between the Bhutan Government and the Chiefs of Cooch Behar and Sikkim that they should cede the whole of the Duars together with certain hill posts protecting the passes into Bhutan that they should deliver up two British guns which had been lost at Dewangiri return the agreement they had extorted from the Envoy and apologise for the insult offered to the British Government in the person of the Envoy

They were also informed that in consideration of the fulfilment of these terms the Government of India would pay to the Bhutan Government from the revenues of the Duars an annual sum starting at Rs 25 000 and rising to Rs 50 000 The treaty extorted from the Envoy was given up and an apology was tendered for the insults offered to him, but as the guns which had been lost were in the possession of the Tongsa Penlop who had not signified his adherence to the terms a separate Agreement (No V) was concluded providing that no payment would be made to the Bhutan Government until the guns were actually restored They were eventually surrendered on the 25th February 1866 The permanent arrangements effected were recorded in a Treaty (No VI) concluded on the 11th November 1865 and the annexation of the Duars was declared in a Proclamation (No VII) of the 4th July 1866 Tsang Sithub was at this time Deb Raja he was succeeded by Jigme Nam Gyel the Tongsa Penlop who had been *de facto* ruler of Bhutan since 1864

In accordance with the provision of Article V of the Treaty of 1865, payment of the allowance to the Bhutan Government was temporarily withheld in 1868 in consequence of the Bhutanese having put a stop to intercourse between Bhutan and Buxa and of their having disregarded the provisions of Article IV by sending an officer of inferior rank to receive the annual payment

Jigme Nam Gyel reigned as Deb Raja until 1873 when he retired in favour of his brother [illegible] Nam Gyel who came to Buxa to meet the Lieutenant Governor of Bengal in 1875, this was the first occasion

on which a Deb Raja entered British India, or met one of the English Governors. At the beginning of 1877 the pretensions of a rival claimant caused a civil war, and for about seven months the rebels gained ground; but Jigme Nam Gyel came forward again, resumed the supreme authority and in a short time defeated the insurgents. Soon after, however, he once more retired in favour of Gantem Nam Gyel, who ruled till March 1879, when he resigned, and was succeeded by Shujah Jain (*alias* Shujah Nam Gyel).

After the close of the civil war of 1877, two Chiefs of the insurgents' party, the Penlop of Paro and the Jongpen of Punakha, with a few followers took refuge in British territory. The party arrived at Buxa in a state of destitution and received from Government compassionate grants in cash and land for cultivation on condition of their abstaining from intrigues in Bhutan. The Deb Raja asked for their surrender, which was refused on the ground that they were merely political offenders. They settled in the Darjeeling hills where one of the Chiefs died. Two years later, a change in political affairs allowed the return of the party to Bhutan.

In March 1880 a raid was committed by a Suba on a British village, Chunbati, near Buxa on the frontier, the object being the recovery of some persons who had escaped from slavery in Bhutan and settled in British territory. Six persons were carried off: and, ten of the raiders being satisfactorily identified, a demand was made for the restoration of the captives and the surrender of the raiders in accordance with the treaty. The Deb Raja delayed and made excuses. He was consequently told that the annual subsidy, paid to the Bhutan Government on condition of good behaviour, would be withheld till he complied with the demands. While the matter was pending two of the captives escaped and returned to Buxa: and eventually, when the Bhutan Government realised that the subsidy would not otherwise be paid, the remaining captives and eight out of the ten raiders were delivered at Buxa in July 1881, one raider having died and another escaped on the road.

Shujah Jain (*alias* Shujah Nam Gyel) died in June 1880. The Jongpen of Punakha put forward a relative named Lamchen, another Jongpen, for the throne, but Jigme Nam Gyel, distrusting this candidate, again came forward and succeeded in securing his own re-election as Deb Raja. He died in July 1881, and was succeeded by Lamchen. Shortly after this the retired Deb Raja Gantem Nam Gyel died: and in May 1883 Lamchen resigned, dying a few days later. He was succeeded by a nephew on his mother's side, Gan-Zang, who was elected Deb Raja without opposition on the 16th May 1883. He seems to have relied as much on the two principal Chiefs, the Penlops of Paro and Tongsa, as did the Deb Rajas at the time of Sir Ashley Eden's mission.

Deb Lamchen, out of friendship to Deb Jigme Nam Gyel, appears to have appointed Tinle the latter's eldest son to be Paro Penlop and the younger, Ugyen Wangchuk Jongpen of Wangdu Potrang. Shortly afterwards Ugyen Wanchuk's uncle the Tongsa Penlop was murdered, and Ugyen succeeded him as Tongsa Penlop. In 1883 Tinle Paro Penlop, attacked Phari in Tibet and seized the Tibetan Jongpen an outrage which led to the mission of the Shape Rampa and a Chinese Popon to Paro in July 1885. In 1884 shortly after his return from Phari Tinle died at his brother's palace in Tongsa.

In October 1884 quarrels broke out between the Tongsa Penlop (Ugyen Wangchuk) and Alu Dorzi Thimpu Jongpen on account of the latter withholding the Tongsa Penlop's share of the British subsidy. This resulted in the Tongsa Penlop capturing Simdtokha fort about the 14th May 1885. A fortnight later the contending parties held a meeting to consider terms but at this meeting the Tongsa Penlop's adherents attacked the opposite party killed some of Thimpu Jongpen's adherents and wounded the Punakha Jongpen. The Thimpu Jongpen and others fled to Tibet.

On the 23rd August 1885 Deb Gan Zang retired and was succeeded by the Tongsa Penlop's nominee Pang Sangye Dorzi a learned Lama who is commonly known as Lapen Loben or Yanpe Lopen.*

In March 1886 there was another joint Tibetan and Chinese mission to Paro which settled certain terms of agreement between the Tongsa Penlop and Alu Dorzi the ex Thimpu Jongpen. But the disagreement between India and Tibet regarding Lingtu occurred shortly afterwards and these terms were never carried into effect. Early in 1889 Deb Yanpe though remaining titular Deb Raja resigned his powers in favour of the Tongsa Penlop. In 1891 in consequence of outrages committ Kamrup district of Assam, the and as the warnings issued effect a deduction of Rs 706 12 0 being the cost of the maintenance of a police outpost at Kalo labari for the protection of British subjects was made from the subsidy paid in 1893. The Bhutan Government having subsequently explained matters and adopted a friendly attitude the payment of the subsidy in full was restored in 1894.

In 1892 the delimitation of the boundary between Jalpaiguri and Bhutan was brought to a satisfactory conclusion.

Towards the end of 1903 the management of the political affairs of Bhutan was transferred from the Government of Bengal to the British Commissioner for Tibet under the direct control of the Government of

* Loben or Lopen is the title of the four great Lamas or Tasongs next to the Dharma Raja.

India. A friendly meeting took place between the Commissioner (Colonel Younghusband) and a high Bhutan official at Chumbi, in Tibet, and the co-operation of the Bhutan Government was secured in making a survey of a direct route to the Chumbi valley through Bhutan. A Permit (No. VIII) was given by the Dharma Raja of Bhutan permitting the survey and construction of a road and the taking up of the necessary land for a road and rest-houses, subject to the payment of such rent as might be determined later.

The advance of the British mission into Tibet proved the turning point in the relations of the British with Bhutan. The Tongsa Penlop, after a meeting with the British Commissioner, at once evinced a friendly spirit and accompanied the mission to Lhasa. He subsequently showed himself anxious on all occassions to draw closer the bonds which united his State to the Government of India. In December 1904 the titular Deb Raja Yanpe died: and, on the 8th January 1905 Nephum Yushi Gnodup (Cholay Tulku) was appointed as his successor.

The Dharma Raja of Bhutan died in 1904, and the office then remained in abeyance as his re-incarnation (that of the Shabdang Rimpoche) could not appear on earth for three years. Meanwhile the elected Deb Raja became, in addition, the representative of the Shabdang Rimpoche as Dharma Raja: and Cholay Tulku thus combined in his own person the headship of the religious and secular governments of Bhutan. This was the first instance of the same individual holding both dignities.

During the visit to India of His Majesty King George V, then Prince of Wales, in 1905-06, the Dharma-Deb Raja of Bhutan and the Tongsa Penlop were invited to Calcutta. The Raja's religious duties precluded him from accepting the invitation, and the Tongsa Penlop came as his representative. He was received by the Prince and by the Viceroy, both of whom paid him a return visit. At the reception nazars were presented by the Tongsa Penlop on behalf of the Raja and the Bhutan Council, as well as himself: and at the return visit paid by the Prince of Wales the Penlop handed to His Royal Highness a letter* containing most cordial expressions of loyalty to the King-Emperor and the Viceroy on behalf of the Government of Bhutan.

The transfer, provisionally effected in 1903, of the political control of Bhutan from the Government of Bengal to the Government of India,

* "Henceforth His Most Gracious Majesty the King-Emperor and His Excellency the Viceroy are as the Sun and Moon, and we, the minor Chiefs under the Supreme Government, as the Stars. As the Stars and Constellations never fail in loyally attending on the Sun and Moon, so do we the entire Bhutanese nation resolve to do likewise to the Supreme Government, hoping that as the Sun and Moon are like the parents of the whole world, we also will enjoy the blessings of their beneficial rays for ever and ever till the cessation of worldly existence. I, on behalf of the whole Bhutan Darbar comprising the Raja and Ministers, beg to offer this with our most sincere and earnest prayers on this 16th day of the 11th month of the Bhutia Wood-snake year (5th January 1906)".

was made permanent on the 1st April 1906, when a new political charge was created comprising the States of Bhutan and Sikkim and such parts of Tibet as fell within the sphere of British influence

In 1907 the new re incarnation of the Shabdang Rimpoche duly appeared and, in the same year the Deb Raja Cholay Tulku died The Tongsa Penlop Ugyen Wanchuk was elected by the unanimous vote of the other Bhutan chiefs and principal monks as hereditary Maharaja of Bhutan This brought to an end the ancient dual form of government by the Dharma and Deb Rajas, for though there is still a titular Dharma Raja, whose seal is necessary for Government acts of prime importance (*e g* the Treaty of 1910—No IX) his duties are now strictly limited to the performance of spiritual functions

The newly elected Maharaja did not at first wield complete power, since, as had been the case during the rule of his predecessors several of the local chiefs remained practically independent The most important of these were the Tongsa and Paro Penlop the position and revenues of the former of whom were retained by the Maharaja and when some time after his accession the Paro Penlop died the successor appointed was Tsering Paljor, the son of the Maharaja s eldest daughter Thus the former unsatisfactory state of affairs was considerably improved

In January 1910 the Maharaja entered int an Agreement (No IX) by which Articles IV and VIII of the Sinchula Treaty of 1865 (No VI) were revised the annual allowance paid to the Government of Bhutan was increased from fifty thousand rupees to one lakh and the external relations of Bhutan were placed under the control of the British Government Later in the same year the States of Bhutan and Sikkim came to an arrangement for the mutual extradition of offenders and on the 21st November an extradition Treaty (No X) was negotiated between Bhutan and the Government of India which had the effect of modifying Articles VI and VII of the Sinchula Treaty

In June 1911 the Ruler of Bhutan was granted a permanent salute of 15 guns In December the Maharaja visited Delhi during the Imperial Darbar and tendered his homage to His Majesty the King Emperor

On the outbreak of the Great War the Maharaja placed the whole resources of his State at the service of the British Government and he also made a donation of Rs 1,00 000 to the Indian War Relief Fund

In 1917 the Bhutan Government undertook to remove all liquor shops within a ten mile zone on the border between Bhutan and the districts of Jalpaiguri, Goalpara, Kamrup and Darrang and in return were granted an annual compensation of a lakh of rupees for five years This arrangement was extended for a further term of five years on the 31st October 1924

In 1923 the Maharaja made over to his eldest son, Jigme Wangchuk, who was then 18 years old, the title of Tongsa Penlop.

Maharaja Ugyen Wangchuk died in August 1926 and was succeeded by Jigme Wangchuk.

The Maharaja has two agents in British India, the chief of whom resides at Kalimpong and the other at Buxa in the Jalpaigmi district. The former is at present Raja Sonam Tobgye Dorji, who holds the high office of Deb Zimpon and is Governor of the district of Ha adjoining the Chumbi valley.

No accurate information is available as to the population, area and revenues of Bhutan. Roughly estimated the population is 300,000, the area of the country 18,000 square miles, and the yearly revenue Rs. 4,00,000. Taxes are paid in kind and not in money.

No I

Articles of a Treaty of Peace between the Honorable East India Company and the Deb Rajah or Rajah of Bhootan — 1774

1st —That the Honorable Company wholly from consideration for the distress to which the Bhootans represented themselves to be reduced, and from the desire of living in peace with their neighbours will relinquish all the lands which belonged to the Deb Rajah before the commencement of the war with the Rajah of Cooch Behar namely to the eastward the lands of Chitchacotta and Pangola haut and to the westward the lands of Kyruntee Marrigaut, and Luckypoor

2nd —That for the possession of the Chitchacotta Province the Deb Raja shall pay an annual tribute of five Tangun horses to the Honorable Company which was the acknowledgment paid to the Behar Rajah

3rd —That the Deb Rajah shall deliver up Dhujinder Narain Rajah of Cooch Behar together with his brother the Dewan Deo who is confined with him

4th —That the Bhootans, being merchants shall have the same privilege of trade as formerly without the payment of duties and their caravan shall be allowed to go to Rungpoor annually

5th —That the Deb Rajah shall never cause incursions to be made into the country nor in any respect whatever molest the ryots that have come under the Honorable Company's subjection

6th —That if any ryot or inhabitant whatever shall desert from the Honorable Company's territories the Deb Rajah shall cause him to be delivered up immediately upon application being made for him

7th —That in case the Bhootans, or any one under the government of the Deb Rajah, shall have any demands upon, or disputes with any inhabitant of these or any part of the Company's territories, they shall prosecute them only by an application to the Magistrate, who shall reside here for the administration of justice

8th —That whereas the Sunneeyasies are considered by the English as an enemy, the Deb Rajah shall not allow any body of them to take shelter in any part of the districts now given up nor permit them to enter the Honorable Company's territories or through any part of his and if the Bhootans shall not of themselves be able to drive them out, they shall give information to the Resident on the part of the English in Cooch Behar and they shall not consider the English troops pursuing the Sunneeyasies into those districts any breach of this Treaty

9th —That in case the Honorable Company shall have occasion for cutting timber from any part of the woods under the Hills they shall do it duty free, and the people they send shall be protected

10th —That there shall be a mutual release of prisoners

This Treaty to be signed by the Honorable President and Council of Bengal, etc., and the Honorable Company's seal to be affixed on the one part, and to be signed and sealed by the Deb Rajah on the other part.

Signed and ratified at Fort William, the 25th April 1774.

WARREN HASTINGS.

WILLIAM ALDERSEY.

P. M. DACRES.

J. LAURELL.

HENRY GOODWIN.

J. GRAHAM.

GEORGE VANSITTART.

No. II.

AN AGREEMENT entered into by CHANGJOI SATRAJAH, SRENG SATRAJAH, CHEENG DUNDOO SATRAJAH, of NAREGOON and TONG DABEE RAJAH, CHENG DUNDOO BRAMEE, POONJAI BRAMEE, of TAKHAL TOOROOM, dated 24th Maug 1250 B. S.,—1844.

It having been ordered by His Lordship the Governor-General in Council that we should be allowed annually one-third of the whole of the proceeds of Koreeahpara Dwar, *viz.*, 5,000 Rupees, we voluntarily pledge ourselves to adhere to the following terms most strictly :—

1st.—We pledge ourselves to be satisfied, now and for ever, with the above-mentioned sum of 5,000 Rupees, and relinquish all right over any proceeds that may accrue from the Dwar.

2nd.—In our traffic we pledge ourselves to confine our dealings to the established market places at Oodalgooree and Mungle Dye, and never interfere with the ryots, neither will we allow any of our Booteahs to commit any acts of oppression.

3rd.—We have relinquished all power in the Dwar, and can no longer levy any rent from the ryots.

4th.—We agree to apply to the British Courts at Mungle Dye for redress in all our grievances in their Territories.

5th.—Should we ever infringe any of the foregoing terms, we shall forfeit our right to the above pension.

FRANS JENKINS,
Agent, Governor-General.

No III

KHUREETA to HIS HIGHNESS the DEB RAJAH—(dated Simla, the 9th June 1864)

You are well aware that for many years past wanton outrages have been committed by your subjects within the territories of the British Government and within the territories of the Rajahs of Sikkim and Cooch Behar who are under British protection Men women, and children have been kidnapped and sold into slavery some have been put to death, others have been cruelly wounded, and much valuable property has been carried off or destroyed These outrages it is well known are not the act of individual criminals who set the laws of Bhootan at defiance they are perpetrated with the knowledge and at the instigation of some of the leading Chiefs of Bhootan Over a period of thirty six years these aggressions have extended Many remonstrances have been in vain addressed to the Bhootan Government and the British Government has been compelled in its own defence and the defence of its protected and subordinate allies, to have recourse to measures of retribution In 1828 and 1836 the British Government were most reluctantly forced to occupy the Booree Gooma and the Banska Dooars but these districts were subsequently restored to the Bhootan Government in the hope that the Bhootan Government would fulfil the offices of friendship towards their neighbour by restraining their subjects from the commission of such aggressions for the future

This hope proved illusory and after the British Government had in vain endeavoured to secure a better understanding with the Bhootan Government by means of a friendly mission, it became necessary in 1841 to annex permanently to the British dominions the seven* Assam Dooars, a measure which it was believed, would convince the Bhootan Government that British territory cannot with impunity be persistently and wantonly violated Nevertheless the British Government willing to believe in the friendship of your Government and careful only to secure an undisturbed frontier and to live at peace with the people of Bhootan, paid to your Government annually a sum of Rupees 10 000 from the revenues of these Dooars

But even this moderation on the part of the British Government this sign of its anxiety above all things for peace, was misunderstood Outrages did not cease Precautions had to be taken for the defence of the British frontier and not only the Deb and Dhurma Rajahs, but the local Governors on the frontier particularly the Tongso Pillo, had to be distinctly warned that unless these insults to the British Government were put a stop to the British Government would have no alternative but to resort to further measures of retribution

---

*Ghurkola Banska Chappo Goonee	Kolling	Chappakhamar Bijnee Booree Gooma

These warnings were ineffectual; it is unnecessary to repeat the numerous acts of aggression to which the British Government patiently submitted, and the further remonstrances which were addressed to your Government before they carried their threats into execution by the stoppage of the rent of Rupees 2,000 a year for the Ambaree Fallacottah, which the British Government held in farm. Of the reasons which forced the British Government to this measure, your Government were duly informed, and you were warned that the rents of Ambaree Fallacottah would not be paid until full reparation should be made, captives released, and the guilty parties punished. These measures also proved ineffectual, and as the British Government were unwilling to be committed to a course of retributive coercion, it was determined to make one effort more by peaceful negotiation and the despatch of a friendly mission to explain fully the demands of the British Government and to put the relations of the two Governments on a satisfactory footing. Of this intention the Bhootan Government were informed in 1862 by a special messenger, who carried letters to the Deb and Dhurma Rajahs and by more recent letters addressed to you by the Honorable the Lieutenant Governor of Bengal. The mission, under the conduct of the Honorable Ashley Eden, a high functionary of the British Government, and my Envoy and plenipotentiary, reached your Court at Poonakha on 13th March 1864. Mr. Eden was the bearer of a Draft Treaty which he was instructed to negotiate with you. The terms of that Treaty were so just and reasonable, and so favourable to the best interests of both Governments, that I did not anticipate its rejection, more especially as Mr. Eden had full discretion to modify any of the details not inconsistent with the principles of the Treaty to meet the wishes of the Bhootan Government. It was, of course, optional with you to accept or reject this Treaty in whole or in part, and had you received my Envoy in the manner suited to his rank as my representative, and as by the usages of nations he ought to have been received, but declared your inability to accede to the demands of the British Government, this rejection of my proposals, however much to be regretted as forcing the British Government to coercive measures for the protection of the persons and property of its subjects, would not in itself have been an offence.

But you are aware that not only have the just demands of the British Government been refused, but they have been refused in a manner disgraceful to yourself and to your Durbar and insulting to the British Government. Not only has the Envoy deputed to your Court not been received with the dignity due to his rank; he has not even received that protection from personal insult and violence which is extended to an Envoy by the laws of all nations save the most barbarous. By the Tongso Pillo and his coadjutors in Council the letter addressed to you on the part of the British Government has been treated with contumely; my Envoy was publicly insulted and derided in your own presence, and has been compelled under threats of personal violence to sign an engagement agreeing to restore the Assam Dooars.

This engagement I entirely repudiate, not only because it was beyond Mr. Eden's instructions to agree to any such terms, but because the engagement was

extorted from him by personal violence and threats of imprisonment The treatment to which the mission which was deputed to your Court to remove all causes of dispute by peaceful negotiation was subjected, has been so disgraceful that the British Government cannot allow the Government of Bhootan to go unpunished

I am aware that your authority has been usurped by the Tongso Pillo and other Chiefs, but it cannot be permitted that for the insubordination of your chiefs and the internal distractions which weaken the Government of Bhootan the subjects of the British Government should suffer and the Envoy of the British Government should be insulted and maltreated

I therefore inform you that the district of Ambaree Fallacottah, heretofore held in rent from the Bhootan Government, is permanently annexed to the British dominions and that all payments of rent from that district and of revenues from the Assam Dooars to the Bhootan Government have ceased for ever You have been informed both in writing and by my Envoy that all British subjects of Cooch Behar and Sikkim, of whom there are said to be more than three hundred who are now held captive by your Chiefs and in your monasteries or are detained in Bhootan against their will must be released and that the property which has been carried off from British territory or Cooch Behar, or Sikkim within the last five years must be restored I now warn you that unless these demands are fully complied with by the 1st day of September next that is three months from this date, I shall take such further measures to enforce these demands as may seem to me to be necessary

JOHN LAWRENCE

The same to the Dharma Rajah

No IV

PROCLAMATION,—1864

For many years past outrages have been committed by subjects of the Bhootan Government within British territory, and in the territories of the Rajahs of Sikkim and Cooch Behar In these outrages property has been plundered and destroyed, lives have been taken, and many innocent persons have been carried into and are still held in captivity

The British Government, ever sincerely desirous of maintaining friendly relations with neighbouring States and specially mindful of the obligations imposed on it by the treaty of 1774, has endeavoured from time to time by conciliatory remonstrance to induce the Government of Bhootan to punish the perpetrators of these crimes, to restore the plundered property, and to liberate the captives But such remonstrances have never been successful, and, even when followed by

serious warning, have failed to produce any satisfactory result. The British Government has been frequently deceived by vague assurances and promises for the future, but no property has ever been restored, no captive liberated, no offender punished, and the outrages have continued.

In 1863 the Government of India, being averse to the adoption of extreme measures for the protection of its subjects and dependent allies, despatched a special mission to the Bhootan Court, charged with proposals of a conciliatory character, but instructed to demand the surrender of all captives, the restoration of plundered property, and security for the future peace of the frontier.

This pacific overture was insolently rejected by the Government of Bhootan. Not only were restitution for the past and security for the future refused, but the British Envoy was insulted in open Durbar, and compelled, as the only means of ensuring the safe return of the mission, to sign a document which the Government of India could only instantly repudiate.

For this insult the Governor-General in Council determined to withhold for ever the annual payments previously made to the Bhootan Government on account of the revenues of the Assam Doars and Ambaree Fallacottah, which had long been in the occupation of the British Government, and annexed those districts permanently to British territory. At the same time, still anxious to avoid an open rupture, the Governor-General in Council addressed a letter to the Deb and Dhurma Rajahs, formerly demanding that all captives detained in Bhootan against their will should be released, and that all property carried off during the last five years should be restored.

To this demand the Government of Bhootan has returned an evasive reply, from which can be gathered no hope that the just requisitions of the Government of India will ever be complied with, or that the security of the frontier can be provided for otherwise than by depriving the Government of Bhootan and its subjects of the means and opportunity of future aggression.

The Governor-General in Council has therefore reluctantly resolved to occupy permanently and annex to British territory the Bengal Doars of Bhootan, and so much of the Hill territory, including the Forts of Dallingkot, Panakha and Dewangiri, as may be necessary to command the passes, and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling districts or into the plains below. A Military Force amply sufficient to occupy this tract and to overcome all resistance has been assembled on the frontier, and will now proceed to carry out this resolve.

All Chiefs, Zamindars, Munduls, Ryots, and other inhabitants of the tract in question are hereby required to submit to the authority of the British Government, to remain quietly in their homes, and to render assistance to the British troops and to the Commissioner who is charged with the administration of the tract. Protection of life and property and a guarantee of all private rights is offered to those who do not resist, and strict justice will be done to all. The lands will be moderately assessed, and all oppression and extortion will be absolutely prohibited.

The future boundary between the territories of the Queen of England and those of Bhootan will be surveyed and marked off, and the authority of the Government of Bhootan within this boundary will cease for ever

By order of the Governor General in Council

FORT WILLIAM,
The 12th November 1864

H M DURAND *Colonel,*
Secy to the Government of India

No V.

AGREEMENT entered into by HIGH OFFICERS of the BHOOTAN GOVERNMENT for the surrender of the two Guns —1865

We, Samdojey Deb Jempy and Themseyrensey Donai the two high officers of the Bhootan Court, will go back to the Deb Rajah and fully explain to His Highness about the two guns which fell into the hands of the Bhootea troops on the evacuation of Dewangiree and obtain His Highness's consent to go to Tongso about them If we succeed in getting back the guns by bringing Tongso Penlow to terms we will either bring the guns back and restore them at Sinchula, or else cause them to be handed over to the British officers at Dewangiree, but if we should unfortunately be unsuccessful, one of us will come down to the Representative of the British Government for assistance and, in the meantime we agree to explain to His Highness the Deb Rajah that no money payment can be expected under the 4th Article of the Treaty We further agree that no money payment under the Treaty shall be due to the Bhootan Government in the event of Mr Eden and Cheeboo Lama declaring that a second copy of the Treaty extorted from them was left by them in Bhootan until such time as the said second copy shall be found and surrendered to the Representative of the British Government, and we fully understand and acknowledge that, until the two* British guns are restored, no money payment under the Treaty will be due to the Bhootan Government

Done this 10th day of November 1865, corresponding with 23rd 9th month, Bhootea year Shim Lung, or one day previous to the date fixed for the formal signature of the Treaty in Public Darbar at Sinchula

SAMDOJEY DEB JIMPEY

THEMSEYRENSEY DONAI.

---

* They were eventually surrendered on 20th February 1866

No. VI.

TREATY between HIS EXCELLENCY the RIGHT HONORABLE SIR JOHN LAWRENCE, G C B., K.C S I, VICEROY and GOVERNOR-GENERAL of HER BRITANNIC MAJESTY'S POSSESSIONS in the EAST INDIES and THEIR HIGHNESSES the DHURM and DEB RAJAHS of BHOOTAN concluded on the one part by LIEUTENANT-COLONEL HERBERT BRUCE, C B, by virtue of full powers to that effect vested in him by the VICEROY and GOVERNOR-GENERAL, and on the other part by SAMDOJEY DEB JIMPEY and THIMSEYRENSEY DONAI according to full powers conferred on them by the DHURM and DEB RAJAHS,—1865.

ARTICLE 1.

There shall henceforth be perpetual peace and friendship between the British Government and the Government of Bhootan.

ARTICLE 2

Whereas in consequence of repeated aggressions of the Bhootan Government and of the refusal of that Government to afford satisfaction for those aggressions, and of their insulting treatment of the officers sent by His Excellency the Governor-General in Council for the purpose of procuring an amicable adjustment of differences existing between the two States, the British Government has been compelled to seize by an armed force the whole of the Doars and certain Hill Posts protecting the passes into Bhootan and whereas the Bhootan Government has now expressed its regret for past misconduct and a desire for the establishment of friendly relations with the British Government, it is hereby agreed that the whole of the tract known as the Eighteen Doars bordering on the Districts of Rungpoor, Cooch Behar, and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose is ceded by the Bhootan Government to the British Government for ever.

ARTICLE 3.

The Bhootan Government hereby agree to surrender all British subjects as well as subjects of the Chiefs of Sikkim and Cooch Behar who are now detained in Bhootan against their will, and to place no impediment in the way of the return of all or any of such persons into British territory.

ARTICLE 4.

In consideration of the cession by the Bhootan Government of the territories specified in Article 2 of this Treaty, and of the said Government having expressed its regret for past misconduct, and having hereby engaged for the future to restrain all evil disposed persons from committing crimes within British territory or the territories of the Rajahs of Sikkim and Cooch Behar and to give prompt and full

redress for all such crimes which may be committed in defiance of their commands, the British Government agree to make an annual allowance to the Government of Bhootan of a sum not exceeding fifty thousand rupees (Rupees 50 000) to be paid to officers not below the rank of Jungpen, who shall be deputed by the Government of Bhootan to receive the same And it is further hereby agreed that the payments shall be made as specified below —

On the fulfilment by the Bhootan Government of the conditions of this Treaty twenty five thousand rupees (Rupees 25 000)

On the 10th January following the 1st payment, thirty five thousand rupees (Rupees 35,000)

On the 10th January following forty five thousand rupees (Rupees 45,000).

On every succeeding 10th January fifty thousand rupees (Rupees 50,000)

ARTICLE 5

The British Government will hold itself at liberty at any time to suspend the payment of this compensation money either in whole or in part in the event of misconduct on the part of the Bhootan Government or its failure to check the aggression of its subjects or to comply with the provisions of this Treaty

ARTICLE 6

The British Government hereby agree on demand being duly made in writing by the Bhootan Government, to surrender under the provisions of Act VII of 1854 of which a copy shall be furnished to the Bhootan Government, all Bhootanese subjects accused of any of the following crimes who may take refuge in British dominions The crimes are murder attempting to murder, rape, kidnapping great personal violence maiming dacoity thuggee, robbery, burglary, knowingly receiving property obtained by dacoity robbery or burglary cattle stealing, breaking and entering a dwelling house and stealing therein, arson, setting fire to village house, or town forgery or uttering forged documents counterfeiting current coin knowingly uttering base or counterfeit coin, perjury subornation of perjury, embezzlement by public officers or other persons, and being an accessory to any of the above offences

ARTICLE 7

The Bhootan Government hereby agree, on requisition being duly made by or by the authority of the Lieutenant Governor of Bengal, to surrender any British subjects accused of any of the crimes specified in the above Article who may take refuge in the territory under the jurisdiction of the Bhootan Government and also any Bhootanese subjects who, after committing any of the above crimes in British territory shall flee into Bhootan on such evidence of their guilt being produced as shall satisfy the Local Court of the district in which the offence may have been committed

ARTICLE 8.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikkim and Cooch Behar.

ARTICLE 9.

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British territories nor shall the Bhootan Government levy any duties on British goods imported into, or transported through, the Bhootan territories. Bhootanese subjects residing in British territories shall have equal justice with British subjects, and British subject residing in Bhootan shall have equal justice with the subjects of the Bhootan Government.

ARTICLE 10.

The present Treaty of ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the Viceroy and Governor-General or His Excellency the Viceroy and Governor-General in Council and by Their Highnesses the Dhurm and Deb Rajahs shall be mutually delivered within thirty days from this date.

H. BRUCE, Lieut.-Col.,
Chief Civil and Political Officer.

In Dabe Nagri.

In Bhootea language.

This Treaty was ratified on the 29th November 1865 in Calcutta by me.

JOHN LAWRENCE,
Governor-General.

25th January 1866.

No VII

PROCLAMATION —1866

Whereas in the Proclamation issued on the 12th November 1864 His Excellency the Viceroy and Governor General in Council announced his resolution of occupying permanently and annexing to British territory the Bengal Doars of Bhootan and so much of the Hill territory including the forts of Dalimkote and Dewangiri as might be necessary to command the passes and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling district or into the plains below

And whereas in pursuance of that resolution the British Government under Article 2 of a Treaty concluded on the 11th day of November 1865 has obtained from the Government of Bhootan for ever the cession of the whole of the tract known as the Eighteen Doars bordering on the districts of Rungpoor Cooch Behar and Assam together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such points as may be laid down by the British Commissioner appointed for the purpose

It is hereby declared that the territory ceded by the Bhootan Government as aforesaid is annexed to the territories of Her Most Gracious Majesty the Queen of England

It is further declared that the ceded territory is attached to the Bengal Division of the Presidency of Fort William and that it will accordingly be under the immediate control of the Lieutenant Governor of Bengal but that it shall not be subjected to the general regulations

By order of the Governor General in Council

SIMLA — W MUIR

The 4th July 1866 — *Secy to the Government of India*

No VIII

TRANSLATION of a PERMIT given for the CONSTRUCTION of a ROAD in BHOTAN by the D AR IS PAJA [illegible] dated the 11th [illegible] (corresponding to the 27th February 1904)

At the present time when there is a small dispute between the English and the Tibetans the Political Saheb Colonel Y[illegible] and British Commissioner having arrived at Phari [illegible] the Lama [illegible] sincere friends [illegible] the present [illegible] like a silk scarf [illegible] the Saheb [illegible] have asked to be allowed to repair the roads [illegible] lands of Paro [illegible] namely in one or other of Sangbe, Amo chhu and De chhu

ARTICLE 8.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikkim and Cooch Behar.

ARTICLE 9.

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British territories nor shall the Bhootan Government levy any duties on British goods imported into, or transported through, the Bhootan territories. Bhootanese subjects residing in British territories shall have equal justice with British subjects, and British subject residing in Bhootan shall have equal justice with the subjects of the Bhootan Government.

ARTICLE 10.

The present Treaty of ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the Viceroy and Governor-General or His Excellency the Viceroy and Governor-General in Council and by Their Highnesses the Dhurm and Deb Rajahs shall be mutually delivered within thirty days from this date.

H. BRUCE, Lieut.-Col.,
Chief Civil and Political Officer.

In Dabe Nagri.

In Bhootea language.

This Treaty was ratified on the 29th November 1865 in Calcutta by me.

JOHN LAWRENCE,
Governor-General.

25th January 1866.

No VII.

PROCLAMATION,—1866

Whereas in the Proclamation issued on the 12th November 1864, His Excellency the Viceroy and Governor General in Council announced his resolution of occupying permanently and annexing to British territory the Bengal Doars of Bhootan and so much of the Hill territory, including the forts of Dalimkote and Diwanguee, as might be necessary to command the passes and to prevent hostile or predatory incursions of Bhootanese into the Darjeeling district or into the plains below,

And whereas in pursuance of that resolution, the British Government, under Article 2 of a Treaty concluded on the 11th day of November 1865, has obtained from the Government of Bhootan for ever the cession of the whole of the tract known as the Eighteen Doars bordering on the districts of Rungpoor Cooch Behar and Assam, together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such point as may be laid down by the British Commissioner appointed for the purpose,

It is hereby declared that the territory ceded by the Bhootan Government as aforesaid is annexed to the territories of Her Most Gracious Majesty the Queen of England

It is further declared that the ceded territory is attached to the Bengal Division of the Presidency of Fort William, and that it will accordingly be under the immediate control of the Lieutenant Governor of Bengal but that it shall not be subjected to the general regulations

By order of the Governor General in Council

SIMLA, W MUIR,

The 4th July 1866 *Secy to the Government of India*

No VIII

TRANSLATION of a PERMIT granted for the CONSTRUCTION of a ROAD in BHOOTAN by the DHARMA RAJA dated the 11th day of the 1st month (corresponding to the 27th February 1904)

At the present time, when there is a small dispute between the English and the Tibetans, the English Saheb, Colonel Younghusband, British Commissioner, having arrived at Phari and as the English and Bhootanese have been sincere friends from the beginning up to the present time, like a silk scarf without a spot, the Saheb friends have asked to be allowed to open a travellers' road, in the lands of Paro Ringpung namely, in one or other of Sangbe, Ammo chhu, and De chhu,

ARTICLE 8.

The Bhootan Government hereby agree to refer to the arbitration of the British Government all disputes with, or causes of complaint against, the Rajahs of Sikkim and Cooch Behar, and to abide by the decision of the British Government; and the British Government hereby engage to enquire into and settle all such disputes and complaints in such manner as justice may require, and to insist on the observance of the decision by the Rajahs of Sikkim and Cooch Behar.

ARTICLE 9.

There shall be free trade and commerce between the two Governments. No duties shall be levied on Bhootanese goods imported into British territories nor shall the Bhootan Government levy any duties on British goods imported into, or transported through, the Bhootan territories. Bhootanese subjects residing in British territories shall have equal justice with British subjects, and British subject residing in Bhootan shall have equal justice with the subjects of the Bhootan Government.

ARTICLE 10.

The present Treaty of ten Articles having been concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shim Lung 24th day of the 9th month, and signed and sealed by Lieutenant-Colonel Herbert Bruce, C.B., and Samdojey Deb Jimpey and Themseyrensey Donai, the ratifications of the same by His Excellency the Viceroy and Governor-General or His Excellency the Viceroy and Governor-General in Council and by Their Highnesses the Dhurm and Deb Rajahs shall be mutually delivered within thirty days from this date.

H. BRUCE, Lieut.-Col.,
Chief Civil and Political Officer.

In Dabe Nagri.

In Bhootea language.

This Treaty was ratified on the 29th November 1865 in Calcutta by me.

JOHN LAWRENCE,
Governor-General.

25th January 1866.

No VII.

PROCLAMATION,—1866

Whereas in the Proclamation issued on the 12th November 1864 His Excellency the Viceroy and Governor General in Council announced his resolution of occupying permanently and annexing to British territory the Bengal Doars of Bhootan and so much of the Hill territory including the forts of Dalimkote and Diwangiri e, as might be necessary to command the passes and to prevent hostile or predatory incursions of Bhooteanese into the Darjeeling district, or into the plains below,

And whereas in pursuance of that resolution, the British Government, under Article 2 of a Treaty concluded on the 11th day of November 1865 has obtained from the Government of Bhootan for ever the cession of the whole of the tract known as the Eighteen Doars bordering on the districts of Rungpoor, Cooch Behar and Assam together with the Talook of Ambaree Fallacottah and the Hill territory on the left bank of the Teesta up to such point as may be laid down by the British Commissioner appointed for the purpose,

It is hereby declared that the territory ceded by the Bhootan Government as aforesaid is annexed to the territories of Her Most Gracious Majesty the Queen of England

It is further declared that the ceded territory is attached to the Bengal Division of the Presidency of Fort William, and that it will accordingly be under the immediate control of the Lieutenant Governor of Bengal but that it shall not be subjected to the general regulations

By order of the Governor General in Council

SIMLA, W MUIR,

The 4th July 1866 *Secy to the Government of India*

No VIII

TRANSLATION of a PERMIT granted for the CONSTRUCTION of a ROAD in BHOOTAN by the DHARMA RAJA, dated the 11th day of the 1st month (corresponding to the 27th February 1904)

At the present time, when there is a small dispute between the English and the Tibetans, the English Saheb, Colonel Younghusband, British Commissioner, having arrived at Phari, and as the English and Bhooteanese have been sincere friends from the beginning up to the present time, like a silk scarf without a spot, the Saheb friends have asked to be allowed to open a travellers' road, in the lands of Paro Ringpung namely, in one or other of Sangbe, Ammo chhu, and De chhu,

This permit is therefore granted for opening a travellers' road in one or other of the above noted places. No work shall be done likely to cause injury to the land adjoining the travellers' road on the right and left. Moreover, with regard to making halting places, except the making of houses for the Sahebs themselves to remain in, no other injury of any sort is to be made. Moreover, the rent for the clearing and opening of the road will be settled by meeting and discussion between the Bhootanese * and English Officials from time to time.

* *Lit.*, "high land and low land officials."

Therefore the present order is given by the Bhootan Dharma Raja Desi. Dated the 11th of the 1st month of the wood dragon year (corresponds to the 27th February 1904).

E. H. WALSH.

The 6th March 1904.

No. IX.

TREATY between HIS EXCELLENCY the RIGHT HONOURABLE SIR GILBERT JOHN ELLIOT-MURRAY-KYNYNMOUND, P.C., G.M.S.I., G.M.I.E. G.C.M.G., EARL of MINTO, VICEROY and GOVERNOR-GENERAL of INDIA in COUNCIL and HIS HIGHNESS SIR UGYEN WANGCHUK, K.C.I.E., MAHARAJA of BHUTAN, —1910.

Whereas it is desirable to amend Articles IV and VIII of the Treaty concluded at Sinchula on the 11th day of November 1865, corresponding with the Bhootea year Shing Lang, 24th day of the 9th month, between the British Government and the Government of Bhutan, the undermentioned amendments are agreed to on the one part by Mr. C. A. Bell, Political Officer in Sikkim, in virtue of full powers to that effect vested in him by the Right Honourable Sir Gilbert John Elliot-Murray-Kynynmound, P.C., G.M.S.I., G.M.I.E., G.C.M.G., Earl of Minto, Viceroy and Governor-General of India in Council, and on the other part by His Highness Sir Ugyen Wangchuk, K.C.I.E., Maharaja of Bhutan.

The following addition has been made to Article IV of the Sinchula Treaty of 1865.

"The British Government has increased the annual allowance to the Government of Bhutan from fifty thousand rupees (Rs. 50,000) to one hundred thousand rupees (Rs. 1,00,000) with effect from the 10th January 1910."

Article VIII of the Sinchula Treaty of 1865 has been revised and the revised Article runs as follows ;

"The British Government undertakes to exercise no interference in the internal administration of Bhutan. On its part, the Bhutanese Government agrees to be guided by the advice of the British Government in regard to its external relations. In the event of disputes with or causes of complaint against the Maha-

rajas of Sikkim and Cooch Behar, such matters will be referred for arbitration to the British Government which will settle them in such manner as justice may require, and insist upon the observance of its decisions by the Maharajas named"

Done in quadruplicate at Punaka, Bhutan, this eighth day of January in the year of our Lord one thousand nine hundred and ten, corresponding with the Bhutia date, the 27th day of the 11th month of the Earth Bird (Sa ja) year

C A BELL,
Political Officer in Sikkim

Seal of Political Officer in Sikkim

8th January 1910

Seal of Dharma Raja

Seal of His Highness the Maharaja of Bhutan

Seal of Tatsang Lamas

Seal of Tongsa Penlop

Seal of Paro Penlop

Seal of Zhung Dronyer

Seal of Timbu Jongpen

Seal of Punaka Jongpen

Seal of Wangdu Potang Jongpen

Seal of Taka Penlop

Seal of Deb Zimpon

MINTO
Viceroy and Governor General of India

This treaty was ratified by the Viceroy and Governor General of India in Council at Fort William, on the twenty fourth day of March A D, one thousand nine hundred and ten

S H BUTLER,
Secretary to the Government of India, Foreign Department

No. X.

TREATY between HIS EXCELLENCY the RIGHT HONOURABLE SIR GILBERT JOHN ELLIOT-MURRAY-KYNYNMOUND, P.C., G.M.S.I., G.M.I.E., G.C.M.G., Earl of MINTO, VICEROY and GOVERNOR-GENERAL of INDIA and HIS HIGHNESS SIR UGYEN WANGCHUK, K.C.I.E., MAHARAJA of BHUTAN, concluded on the one part by Mr. C. A. BELL, by virtue of full powers to that effect vested in him by the VICEROY and GOVERNOR-GENERAL, and on the other part by RAI UGYEN DORZIE BAHADUR, DEB ZIMPEN in virtue of full powers granted to him by the MAHARAJA of BHUTAN—1910.

Whereas the Government of Bhutan have applied to the Government of India for a simpler form of procedure for the mutual surrender of criminals than that at present in force, Mr. C. A. Bell, Political Officer in Sikkim, in virtue of full powers vested in him by the Right Hon'ble Sir Gilbert John Elliot-Murray-Kynynmound, P.C., G.M.S.I., G.M.I.E., G.C.M.G., Earl of Minto, Viceroy and Governor-General of India, and Rai Ugyen Dorzie Bahadur, Deb Zimpen, in virtue of full powers granted to him by His Highness Sir Ugyen Wangchuk, K.C.I.E., Maharaja of Bhutan, hereby agree as follows :—

(1) The British Government shall, on demand being duly made in writing by the Bhutan Government, take proceedings in accordance with the provisions of the Indian Extradition Act, 1903 (of which a copy shall be furnished to the Bhutan Government), for the surrender of all Bhutanese subjects accused of any of the crimes specified in the first schedule of the said Act who may take refuge in British territory.

(2) The Bhutan Government shall, on requisition being duly made by the Government of India, or by any officer authorised by the Government of India in this behalf, surrender any British subjects, or subjects of a foreign Power, whose extradition may be required in pursuance of any agreement or arrangements made by the British Government with the said Power, accused of any of the crimes specified in the first schedule of Act XV of 1903, who may take refuge in the territory under the jurisdiction of the Bhutan Government, and also any Bhutanese subjects who, after committing any of the crimes referred to in British territory, shall flee into Bhutan, on such evidence of their guilt being produced as shall satisfy the local court of the district in which the offence may have been committed.

Done in quadruplicate at Kalimpong this twenty-first day of November in the year of our Lord one thousand nine hundred and ten, corresponding with the Bhutia date the twentieth day of the second ninth month of the Iron-dog year.

C. A. BELL.
Political Officer in Sikkim.

Seal of Political Officer in Sikkim.

Seal of Deb Zimpen.

HARDINGE OF PENSHURST,
Viceroy and Governor-General of India.

This treaty was ratified by the Viceroy and Governor General of India in Council at Fort William on the thirteenth day of December, A D one thousand nine hundred and ten

J B Wood,
Secretary to the Govt of India
Foreign Department

PART V.

Treaties and Engagements

relating to

Siam.

THE diplomatic relations of the British Government with Siam may be said to have commenced with Mr John Crawfurd's mission in 1821 the chief object of which was to procure an unrestricted trade with Siam, but his negotiations were unsuccessful.

In 1826 a Treaty (No I) was negotiated by Captain Burney chiefly with the view of preventing the Siamese from co-operating with the Burmese during the first Burmese war in which the British Government was then engaged and of providing for the peace of the Malayan Peninsula then disturbed in consequence of the occupation of Kedah by the Siamese. Besides the above Treaty Captain Burney effected a Commercial Agreement (No II) with Siam. The provisions of this engagement were systematically violated by the Siamese and, as the 6th article placed British subjects under Siamese laws its abrogation was indispensable.

The dependencies of Siam in the Malayan Peninsula were Kedah Ligor, Trengganu Kelantan, Patani and Junkceylon or Puket. In 1831 after the Raja of Ligor had defeated the ex Raja of Kedah in an attempt to recover his country, the Resident of Penang visited him at Kedah and concluded an Engagement (No III) regarding the boundaries of Province Wellesley, in conformity with the 3rd Article of the treaty of Bangkok.

In 1850 Sir James Brooke was deputed to Siam armed with plenipotentiary powers from Her Majesty Queen Victoria but his efforts to conclude a satisfactory treaty were unsuccessful. Five years later, however, a Treaty (No IV) of friendship and commerce between Her Majesty and the Kings of Siam was negotiated by Sir John Bowring. In 1856 Mr Parkes conveyed to Siam the ratification of the treaty by the Queen, when an Agreement (No V) was made with Siamese commissioners to give effect to the treaty and to define its intentions.

PART V.

Treaties and Engagements

relating to

Siam.

THE diplomatic relations of the British Government with Siam may be said to have commenced with Mr John Crawfurd's mission in 1821 the chief object of which was to procure an unrestricted trade with Siam, but his negotiations were unsuccessful

In 1826 a Treaty (No I) was negotiated by Captain Burney chiefly with the view of preventing the Siamese from co-operating with the Burmese during the first Burmese war in which the British Government was then engaged and of providing for the peace of the Malayan Peninsula then disturbed in consequence of the occupation of Kedah by the Siamese Besides the above Treaty, Captain Burney effected a Commercial Agreement (No II) with Siam The provision of this engagement were systematically violated by the Siamese and as the 6th article placed British subjects under Siamese laws its abrogation was indispensable

The dependencies of Siam in the Malayan Peninsula were Kedah Ligor, Tringgannu Kelantan, Patani and Junkceylon or Pulet In 1831 after the Raja of Ligor had defeated the ex Raja of Kedah in an attempt to recover his country, the Resident of Penang visited him at Kedah and concluded an Engagement (No III) regulating the boundaries of Province Wellesley, in conformity with the 3rd Article of the treaty of Bangkok

In 1850 Sir James Brooke was deputed to Siam armed with plenipotentiary powers from Her Majesty Queen Victoria but his efforts to conclude a satisfactory treaty were unsuccessful Five years later, however, a Treaty (No IV) of friendship and commerce between Her Majesty and the Kings of Siam was negotiated by Sir John Bowring In 1856 Mr Parkes conveyed to Siam the ratification of the treaty by the Queen, when an Agreement (No V) was made with Siamese commissioners to give effect to the treaty and to define its intentions

In 1864 a boundary commission was appointed and satisfactory arrangements were made for the boundary at the Isthmus of Kraw and the sea-ward line from the mouth of the Pakchan to Junkceylon. The boundary northward from Kraw was demarcated in 1867 by a separate commission, and a Convention (No. VI) was signed on the 8th February 1868, defining the boundary in its entire length.

King Phrabat Somdetch Phra Chom Klow died on the 1st October 1868, after a reign of seventeen and a half years, and was succeeded by his eldest son, Chow Fa Chula Longkorn, a minor.

The western portion of Siam, bordering on the Salween river and separated by it from eastern Karenni, is occupied by the Chiengmai or Zimme Shans, whose Chief is tributary to Siam. Disputes regarding the valuable forests situated on the eastern bank of the Salween led to hostilities between the Karens and the Shans, and numerous bands of dakaits traversed the country committing outrages on British traders and their property. To remedy this state of things a special officer was placed in charge of the Salween tracts, and advantage was taken of the visit of His Majesty the King of Siam to Calcutta in 1872 to discuss the measures necessary for the encouragement of trade and the repression of dakaiti on the Salween frontier. These discussions resulted in the deputation towards the end of 1873 of a Siamese Embassy to Calcutta, and on the 14th January 1874 a Treaty (No. VII), which came into force on the 1st January 1875, was signed, having for its objects the promotion of commercial intercourse with the province of Chiengmai and the repression of heinous crime. The Siamese Government agreed to post guards along the eastern bank of the Salween, to maintain a sufficient police force, and to appoint judges in Chiengmai for the purpose of settling civil disputes between British and Siamese subjects.

Under the terms of the treaty of 1855 and the supplementary agreement of 1856, the British Consul at Bangkok alone could try civil and criminal cases in which either both parties or the defendant were British subjects and the cause of action arose in Siamese territory. The distance separating Bangkok from Chiengmai, and the limited powers possessed by the British Consul at Bangkok, caused very great inconvenience in the disposal of cases arising in Chiengmai. The consent of the Siamese Government was obtained to the appointment of the Superintendent of the Yunzalin district, in British Burma, to exercise all the powers that may be exercised by the Consul at Bangkok under the 2nd article of the treaty of 1855 and the 2nd article of the supplementary agreement of 1856. By virtue of this consent he was appointed to exercise, for the territories of the King of Siam, all the powers of a political agent under Act XI of 1872.

The treaty of 1874 did not work satisfactorily as, in spite of the good will shewn by the Siamese Government it was found that, in the absence of any English officer, British subjects at times suffered unfriendly usage at the hands of the local authorities at Zimme. In these circumstances Major C. W. Street, of the British Burma Commission was deputed in 1879 on a mission to Zimme, for the purpose of enquiring into certain specific cases in which British subjects were concerned and into the general question of establishing a British Agency at Zimme. After a protracted discussion a Treaty (No. VIII), supplementary to the treaty of 1855, was signed at Bangkok on the 3rd September 1883. By this agreement, which related only to the territories of Chiengmai, Lakon and Lampunchi, the treaty of 1874 was abrogated and provision was made for the appointment of a British Consul or Vice Consul at Zimme. The Consul or Vice Consul has judicial powers in respect of cases in which British subjects are defendants or accused and in all such cases tried by the local judges appeal may be made to Bangkok. The treaty also contained provisions concerning the issue of passports to British and Siamese subjects travelling in Siamese or British territory respectively, concerning the extradition of offenders and concerning the working of forests in the territories of the Prince of Chiengmai. Mr. E. B. Gould, the first British Vice Consul, arrived at Zimme in April 1884. In 1885 the Siamese Government agreed to the Provinces of Nan and Phre being included in the meaning of the words "Chiengmai, Lakon and Lampunchi" mentioned in the treaty of 1883 and to a similar extension of meaning being given to those words as occurring in the commission of the Vice Consul appointed according to that treaty. The Siamese Government also requested that the words "Muang Nan and Muang Phre" should be inserted in the commission of any Vice Consul who might thereafter be appointed in order that His Siamese Majesty's Exequatur might be issued in accordance with the usual practice. The Siamese Government similarly in 1896 at the request of the British Government agreed to the additional provinces of Thon, Kaheng, Sawankaloke, Sukotai, Utaradit and Pichai falling within the scope of the treaty of 1883, in the same way as the Provinces of Phre and Nan.

In 1885 and 1887 the King of Siam issued Royal Decrees * to facilitate the working of the courts established under the treaty and for other purposes.

In May 1887 a Notification (No. IX) was issued publishing correspondence between the British and Siamese Ministers embodying an agreement, *known as the Devawongse Saton Agreement of 1887*, with the Siamese Government under which no duties were levied on goods exported from the Raheng district into Burma and *vice versa*.

* See Appendix No. I.

After the annexation of upper Burma a question arose as to the ownership of the four small trans-Salween States of Mong Tun, Mong Hang, Mong Kyawt, and Mong Hta, which were claimed both by the Chief of Chiengmai and by the Sawbwa of Mong Pan, and also in regard to Mong Hsat, which was claimed by Siam and Keng Tung. At the end of 1887 Mr. A. H. Hildebrand, Superintendent, Southern Shan States, was directed to make a local enquiry in conjunction with commissioners appointed by the Siamese Government. As a result the four first named States were declared to be a portion of the Shan States tributary to Her Majesty the Queen-Empress, and they were replaced under the Mong Pan Sawbwa with effect from the 15th November 1888. The State of Mong Hsat was found to be actually under the management of Keng Tung, and was also declared under British protection.

In September 1887 the Chief Commissioner of Burma reported Siamese aggression in trans-Salween Karenni. In 1888, when his attack on the Shan State of Mawkmai forced the British Government to punish Sawlapaw, the Chief of Eastern Karenni, Siam was invited to co-operate with a view to preventing his escape; and the acceptance of this suggestion was followed by their occupation of trans-Salween Karenni. This action led to long correspondence, and it was not till October 1892 that the Siamese consented to evacuate this tract and measures were taken for its restoration to Sawlawi, the Chief whom the British Government had recognised as Myoza of Karenni in succession to Sawlapaw deposed. In 1889 the Siamese Government proposed the appointment of a joint commission to settle claims to sovereignty over certain districts on the east bank of the Salween Various difficulties, however, arose, and the British commissioners were compelled to take up the investigation alone. Work was commenced in Karenni, and the boundary of the trans-Salween tract and of the small States previously in dispute was provisionally laid down. In 1889-90 the demarcation was continued, and on this occasion representatives of both Siam and Keng Tung rendered assistance. A line of frontier extending as far as the Mekong was traced, and the whole of this border was accepted in 1892 by Siam. The final delineation of the boundary by a joint commission in the open season of 1892-93 was arranged for. The Anglo-Siamese commissioners met at Mong Hang and the work of demarcation was begun in January 1893. On the 17th October 1894 the King of Siam and Her Britannic Majesty's Minister exchanged maps in three sheets signed and sealed, showing the boundary line as finally agreed upon between the two countries.

In June 1892 the Government of Burma reported certain encroachments made by the Siamese authorities on British territory in the Amherst district of the Tenasserim division of lower Burma. The report was communicated to the British Minister, who represented the matter to the

Siamese Government The Siamese Government called for a report from their officials and at the same time assured the British Minister that they would strictly adhere to the stipulations of the treaty concluded in 1868 The Government of Burma subsequently submitted a detailed report showing the encroachments made by the Siamese This was communicated to the British Minister who was requested to invite the Siamese Government to depute responsible officials to demarcate the boundary in conjunction with a British official The Siamese Government accepted the proposals and a joint demarcation was made The Siamese Government while acknowledging the correctness of the demarcation stated that by following it they would lose some 460 square miles of territory which before and after the agreement of 1868 was really administered by them and on which their subjects had settled and they suggested that it would be worthy of the spirit of justice and equity of the British Government to consent to a revision of the agreement of 1868 The Government of India however held that the line demarcated should be adhered to that the boundary should be marked by permanent and conspicuous pillars and that the Siamese Government should be informed accordingly

On the 15th January 1896 Great Britain and France signed an Agreement (No X) with regard to Siam and the Upper Mekong

In 1896 the British Government approached the Siamese Government with a view to making a convention for the purpose of protecting the western portion of Siam against foreign interference The British Minister on the 31st May 1896 presented the Siamese Minister with a draft convention and a verbal note explaining the object of the proposal which was to the effect that the Anglo French Agreement of the 15th January 1896 provided for the safety of the guaranteed portion of Siam not only against France and England but also against any other Power that the British Government were unable to induce the French Government to extend its provisions to the whole of Siam but that they thought a security almost equivalent might be provided for the territories under Siamese rule or suzerainty which lie to the south west of the guaranteed portion if Siam would enter into an agreement with England not to alienate them to any third power After some discussion the Convention (No XI) was signed at Bangkok on the 6th April 1897

On the 29th November 1899 an Agreement (No XII) was signed for the registration of British subjects in Siam In May 1900 the British Minister at Bangkok reported that he had come to an agreement with the Siamese Government that the grand children of registered British subjects should not be called upon for State service in Siam until the age of seventeen such grand children however were not to be regarded as subject to British jurisdiction in case any question arose involving the jurisdiction to be applied to them.

In November 1899 the Secretary of State forwarded certain correspondence, and asked for the views of the Government of India as to whether the schedule of taxes annexed to article 4 of the Bangkok agreement of the 13th May 1856 should not be abrogated. The Government of India replied that there was no objection to the abrogation of the schedule on the following conditions, *viz.*, (1) that British subjects be allowed to own land elsewhere than in the vicinity of Bangkok; and (2) that the taxation on land rented, owned, or held by British subjects should nowhere exceed the taxation levied on similar land in lower Burma. The Secretary of State referred the question again to the Government of India, stating that the British Indian interests in question appeared small and enquiring whether in these circumstances the Government of India were disposed to accept the agreement. The Government of India replied that they were willing to forego the condition as to British subjects owning land elsewhere than near Bangkok.

In 1899 the British Government requested the Siamese Government to sign an agreement defining boundaries between the British and Siamese dependencies in the Malay States and the boundary Agreement (No. XIII) was signed on the 29th November 1899. Later the agreement between Great Britain and Siam, relative to the taxation on land held or owned by British subjects in Siam and to the abrogation of the taxation schedule annexed to article 4 of the Bangkok Agreement of 1856 (No. V) was signed at Bangkok on the 20th September 1900 (No. XIV). In accordance with this agreement the Siamese Government in June 1905 issued an official notification amending the amount of land tax to be collected in future.

In April 1902 the Secretary of State asked for the views of the Government of India on a scheme for the neutralization of Siam. Mr. Rivett-Carnac, the Financial Adviser to the Siamese Government, was endeavouring to persuade the King of Siam to obtain a joint guarantee by the powers for the neutralization of Siam. He had written a memorandum, exhibiting the grave political dangers with which the kingdom of Siam was threatened and proposing certain remedies. The Government of India agreed with the opinion of Mr. Rivett-Carnac as to the political dangers which menaced Siam, but disagreed with him as to the remedies proposed to ward them off.

In June 1902 the British Consul at Chiengmai submitted certain proposals with a view to facilitating the capture on the Siamese side, and the extradition, of criminals who cross the border. He had suggested to the Siamese Commissioner that the district Commissioner should be invested with certain powers enabling him (1) to communicate with, and receive communications direct from, the corresponding extradition officer on the British side; (2) on receipt of a written request for extradition

from the British official to track and arrest the accused person at once without necessarily submitting the case to Chiengmai and on his arrest to apply direct to the British official for evidence in support of the extradition, (3) to hold the preliminary enquiry without delay forward a full report of the case and the enquiry to the Central Council at Chiengmai and detain the accused in custody pending further instructions (4) in cases of accused persons in Siamese territory who escape into Burma to apply in writing direct to the British officials for their arrest and to furnish witnesses for the enquiry preliminary to extradition forwarding at the same time a report to the Central Council at Chiengmai The Siamese High Commissioner was authorised to invest the district commissioners of all districts in the Chiengmai province adjoining British territory, with the powers mentioned above The Government of India on their side appointed the following officers to exercise all the powers of a political agent under the Foreign Jurisdiction and Extradition Act XXI of 1879 for the provinces of Siam as specified in each case —

(a) the Deputy Commissioner for the time being of the Amherst district for the provinces of (1) Muang Tal otherwise called Raheng or Yaheng, (2) Kammpeng Pett (3) Muang Utai (4) Sawankalok (5) Sukotai (6) Uttaradit and (7) Pichai

(b) the Deputy Commissioner for the time being of the Tavoy district for the province of Muang Patburi

(c) the Deputy Commissioner for the time being of the Mergui district, for the provinces of (1) Muang Kooi (2) Muang Bantaphan (3) Muang Patin (4) Muang Chomphon (5) Muang Kraburi and (6) Muang Renong

(d) the Deputy Commissioner for the time being of the Salween district for the provinces of Lakon and Lampunchi and for the central and western districts of the province of Chiengmai

(e) the Superintendent and Political Officer for the time being of the Southern Shan States for the northern district of the province of Chiengmai and

(f) the Assistant Political Officer for the time being at Keng Tung for the provinces of Muang Nan Muang Phre and Muang Thon

The Government of India also under section 13 of the Foreign Jurisdiction and Extradition Act XXI of 1879 directed that the Deputy Commissioner of the Amherst Tavoy Mergui and Salween districts the Superintendent and Political Officer of the Southern Shan States and the Assistant Political Officer at Keng Tung might in exercise of the powers of a political officer conferred upon them by the previous notification hand over any person arrested, and forwarded in accordance with the provisions of section 12 of the Act, to be tried by the ordinary courts

of the State in which the offence was committed, or alleged to have been committed, by such person.

In 1902 the Siamese Government made a proposal for the alteration of article VIII of the Chiengmai treaty of 1883, by substituting the rights of British subjects to hold land for the right of the Consul to remove cases to the Consular court; but after discussion the British Government decided that the matter should be allowed to drop for the time being.

On the 6th October 1902 Lord Lansdowne, His Majesty's Secretary of State for Foreign Affairs, and Phya Sri Sahadeb, Special Envoy of His Majesty the King of Siam, signed a declaration in London in respect of certain arrangements which it was considered expedient to make with regard to the administration of the States of Kelantan and Trengganu (No. XV). One of the terms of the declaration was that the draft agreement attached to it should be shown to the Rulers of Kelantan and Trengganu, for the purpose of procuring their adhesion to it: and article 2 of the draft agreement stated that His Majesty the King of Siam reserved the right to nominate officers to be adviser and assistant adviser to the States of Kelantan and Trengganu to act as representative (or agent) of His Majesty the King of Siam. The Ruler of Kelantan signed the English and Malay versions of the treaty, but the Ruler of Trengganu absolutely refused to sign it. In accordance with the agreement attached to the declaration signed on the 6th October 1902, Mr. Graham was appointed Adviser and Mr. H. W. Thomson, Assistant Adviser to the State of Kelantan.

On the 9th February 1904 the Siamese Government issued a notification abolishing, within three years from that date, all gambling in Siam. In order to reimburse the State for the revenue thus lost, the Siamese Government proposed to modify the tariff. On the 6th February 1906, the Siamese Government gave His Majesty's Government the twelve months' notice, required by article 11 of the treaty of 1855, of their intention to modify the tariff.

On the 8th April 1904 England and France concluded an Agreement (No. XVI) settling several points of difference between the two nations. The opportunity was taken of confirming articles 1 and 2 of the treaty of 1896 with France respecting Siam, specifying the territories coming under the influence of France and England and disclaiming all idea of the contracting parties annexing any Siamese territory.

On the 10th March 1909 a new Treaty (No. XVII) was signed: and, on the same date, a separate Convention (No. XVIII) cancelling that of 1897 (No. XI). By the Treaty, which was ratified on the 9th July 1909, the extra-territorial rights of British subjects in Siam were considerably modified and the Siamese relinquished in favour of Great Britain their rights over the peninsular states of Kedah, Perlis, Kelantan,

Trengganu and adjacent islands Pursuant to section 1 of the Protocol—annexed to the above Treaty—concerning the jurisdiction applicable in the Kingdom of Siam to British subjects a Proces Verbal for the establishment of International Courts at Bangkok Chiengmai Songkla and Puket with jurisdiction over the territories named therein was signed by the Governments of Great Britain and Siam on the 6th July 1909 (No XIX) while on the 25th August 1910 under section 1 of the Jurisdictional Protocol another Proces Verbal (No XX) was signed between Great Britain and Siam This provides for the establishment of an International Court at Lakon Lampang with territorial jurisdiction over the four Muangs named therein this jurisdiction was previously granted to the Court at Chiengmai under the Proces Verbal of the 6th July 1909

King Chulalongkorn died on the 23rd October 1910 after a reign of 42 years and was succeeded by the Crown Prince at first known as King Vajiravudh and later in 1916 as King Rama VI

An Extradition Treaty (No XXI) between Great Britain and Siam was concluded at Bangkok on the 4th March and ratified on the 1st August 1911

On the 22nd July 1917 Siam entered the Great War on the side of the Allies and in 1919 was one of the signatories of the Treaty of Versailles

On the 20th December 1921 a Convention (No XXII) was concluded between Great Britain and Siam respecting the settlement of enemy debts referred to in the Treaty of Versailles

In December 1924, owing to conditions brought about by an increase in the post war duties on goods brought into Burma by sea it became necessary to abrogate the Devawongse Satow Agreement of 1887 (No IX)

On the 6th September 1925 the King of Siam issued a Royal Proclamation in connection with the Extradition Treaty of 1911 (No XX) This proclamation provides for the arrest and provisional detention pending formal application for extradition of persons who have fled to Siam from Burma or British Malaya after committing in either of those countries a crime for which they are liable to be extradited

On the 14th July 1925 two new treaties a General Treaty (No XXIII) and a Commercial Treaty (No XXIV) were signed They were ratified on the 30th March 1926 By the General Treaty, the International Courts were abolished and all British subjects in Siam became subject to the jurisdiction of the ordinary Siamese Courts although, until all the Siamese codes come into force and for a period of five years thereafter British diplomatic and consular officers may evoke any case pending in any Siamese Court except the Dika i e Supreme Court in which a British subject, corporation, company or association or a British protected person, is defendant or accused

Article 1 of the General Treaty (No. XXIII) recognised the fiscal autonomy of Siam; but, by Article 10 of the Commercial Treaty (No. XXIV), the import duty which may be levied on certain goods therein specified is limited to a maximum of 5 per cent. *ad valorem*. Siamese fiscal autonomy became effective on the 26th March 1927.

On the 25th November 1925 an Arbitration Convention (No. XXV) between Great Britain and Siam was signed. It was ratified on the 2nd February 1927.

King Rama VI died on the 26th November 1925, and was succeeded by His present Majesty King Prajadhipok.

On the 30th September 1926, Notes (No. XXVI) were exchanged between the British and Siamese Governments regarding Articles 10, 11 and 12 of the Commercial Treaty of 1925 (No. XXIV).

In March 1928 the Government of India acceded to certain articles of the Anglo-Siamese General Treaty, and to the Commercial Treaty, of 1925 (Nos. XXIII and XXIV), subject to certain reservations, by an exchange of notes (No. XXVII).

No I

TREATY WITH SIAM,—1826

The powerful Lord, who is in possession of every good, and every dignity, the God Boodh, who dwells over every head in the city of the sacred and great King dom of Si a yoo tha ya (titles of the King of Siam) incomprehensible to the head and brain, the sacred beauty of the royal palace, serene and infallible there (titles of the Wangua or second King of Siam), have bestowed their commands upon the heads of Their Excellencies, the Ministers of high rank belonging to the sacred and great Kingdom of Si a yoo tha ya to assemble and frame a Treaty with Captain Henry Burney, the English Envoy, on the part of the English Government, the Hon ble East India Company, who govern the countries in India belong ing to the English under the authority of the King and Parliament of England and the Right Honourable Lord Amherst, Governor of Bengal, and other English Officers of high rank, have deputed Captain Burney as an Envoy to represent them, and to frame a Treaty with Their Excellencies the Ministers of high rank belonging to the sacred and great Kingdom of Si a yoo tha ya in view that the Siamese and the English nation may become great and true friends, connected in love and affection, with genuine candour and sincerity on both sides The Siamese and English frame two uniform copies of a Treaty in order that one copy may be placed in the Kingdom of Siam and that it may become known through out every great and small province subject to Siam and in order that one copy may be placed in Bengal, and that it may become known throughout every great and small province subject to the English Government Both copies of the Treaty will be attested by the royal seal by the seals of Their Excellencies the Ministers of high rank in the city of the sacred and great Kingdom of Si a yoo tha ya and by the seals of the Right Honourable Lord Amherst Governor of Bengal and of the other English Officers of high rank

ARTICLE 1

The English and Siamese engage in friendship love and affection with mutual truth, sincerity and candour The Siamese must not meditate or commit evil so as to molest the English in any manner The English must not meditate or com mit evil so as to molest the Siamese in any manner The Siamese must not go and molest, attack, disturb, seize, or take any place, territory or boundary belonging to the English, in any country subject to the English The English must not go and molest, attack, disturb seize or take any place, territory or boundary belonging to the Siamese, in any country subject to the Siamese The Siamese shall settle every matter within the Siamese boundaries according to their own will and customs

ARTICLE 2

Should any place or country, subject to the English, do anything that may offend the Siamese the Siamese shall not go and injure such place or country, but first report the matter to the English, who will examine into it with truth and sincerity, and if the fault lie with the English, the English shall punish according

to the fault. Should any place or country subject to the Siamese do anything that may offend the English, the English shall not go and injure such place or country, but first report the matter to the Siamese, who will examine into it with truth and sincerity, and if the fault lie with the Siamese, the Siamese shall punish according to the fault. Should any Siamese place or country, that is near an English country, collect at any time an army or a fleet of boats, if the chief of the English country inquire the object of such force, the chief of the Siamese country must declare it. Should any English place or country, that is near a Siamese country, collect at any time an army or a fleet of boats, if the chief of the Siamese country inquire the object of such force, the chief of the English country must declare it.

ARTICLE 3.

In places and countries belonging to the Siamese and English, lying near their mutual borders, whether to the east, west, north, or south, if the English entertain a doubt as to any boundary that has not been ascertained, the chief on the side of the English must send a letter, with some men and people from his frontier posts to go and inquire from the nearest Siamese chief, who shall depute some of his officers and people from his frontier posts, to go with the men belonging to the English chief, and point out and settle the mutual boundaries, so that they may be ascertained on both sides in a friendly manner. If a Siamese chief entertain a doubt as to any boundary that has not been ascertained, the chief on the side of the Siamese must send a letter, with some men and people from his frontier posts, to go and inquire from the nearest English chief, who shall depute some of his officers and people from his frontier posts, to go with the men belonging to the Siamese chief, and point out and settle the mutual boundaries, so that they may be ascertained on both sides in a friendly manner.

ARTICLE 4.

Should any Siamese subject run and go and live within the boundaries of the English, the Siamese must not intrude, enter, seize or take such person within the English boundaries, but must report and ask for him in a proper manner; and the English shall be at liberty to deliver the party or not. Should any English subject run and go and live within the boundaries of the Siamese, the English must not intrude, enter, seize, or take such person within the Siamese boundaries, but must report and ask for him in a proper manner, and the Siamese shall be at liberty to deliver the party or not.

ARTICLE 5.

The English and Siamese having concluded a Treaty, establishing a sincere friendship between them, merchants subject to the English, and their ships, junks, and boats, may have intercourse and trade with any Siamese country, which has much merchandize, and the Siamese will aid and protect them, and permit them to buy and sell with facility. Merchants subject to the Siamese, and their boats, junks, and ships, may have intercourse and trade with any English country, and the English will aid and protect them, and permit them to buy and sell with facility

The Siamese desiring to go to an English country or the English desiring to go to a Siamese country, must conform to the customs of the place or country on either side should they be ignorant of the customs the Siamese or English officers must explain them Siamese subjects who visit an English country must conduct themselves according to the established laws of the English country in every particular English subjects who visit a Siamese country must conduct themselves according to the established laws of the Siamese country in every particular

ARTICLE 6

Merchants subject to the Siamese or English going to trade either in Bengal or any country subject to the English or at Bangkok or in any country subject to the Siamese must pay the Duties upon commerce according to the customs of the place or country on either side and such merchants and the inhabitants of the country shall be allowed to buy and sell without the intervention of other persons in such countries Should a Siamese or English merchant have any complaint or suit he must complain to the officers and governors on either side and they will examine and settle the same according to the established laws of the place or country on either side If a Siamese or English merchant buy or sell without inquiring and ascertaining whether the seller or buyer be of a good or bad character and if he meet with a bad man who takes the property and absconds, the rulers and officers must make search and produce the person of the absconder and investigate the matter with sincerity If the party possess money or property he can be made to pay but if he do not possess any or if he cannot be apprehended it will be the merchant s own fault

ARTICLE 7

A merchant subject to the Siamese or English going to trade in any English or Siamese country and applying to build godowns or houses or to buy or hire shops or houses in which to place his merchandize the Siamese or English officers and rulers shall be at liberty to deny him permission to stay If they permit him to stay he shall land and take up his residence according to such terms as may be mutually agreed on and the Siamese or English officers and rulers will assist and take proper care of him preventing the inhabitants of the country from oppressing him and preventing him from oppressing the inhabitants of the country When ever a Siamese or English merchant or subject who has nothing to detain him requests permission to leave the country and to embark with his property on board of any vessel he shall be allowed to do so with facility

ARTICLE 8

If a merchant desire to go and trade in any place or country belonging to the English or Siamese and his ship boat or junk meet with any injury whatever the English or Siamese officers shall afford adequate assistance and protection Should any vessel belonging to the Siamese or English be wrecked in any place or country, where the English or Siamese may collect any of the property belonging to such vessel the English or Siamese officers shall make proper inquiry and cause the property to be restored to its owner, or in case of his death to his heir, and

the owner or heir will give a proper remuneration to the person who may have collected the property. If any Siamese or English subject die in an English or Siamese country whatever property he may leave shall be delivered to his heir. If the heir be not living in the same country and, unable to come, appoint a person by letter to receive the property, the whole of it shall be delivered to such person.

ARTICLE 9.

Merchants, subject to the English, desiring to come and trade in any Siamese country with which it has not been the custom to have trade and intercourse, must first go and inquire of the Governor of the country. Should any country have no merchandize the Governor shall inform the ship that has come to trade that there is none. Should any country have merchandize sufficient for a ship, the Governor shall allow her to come and trade.

ARTICLE 10.

The English and Siamese mutually agree, that there shall be an unrestricted trade between them in the English countries of Prince of Wales' Island, Malacca, and Singapore, and the Siamese countries of Ligor, Merdilong, Singora, Patani, Junk Ceylon, Quedah, and other Siamese provinces. Asiatic merchants of the English countries, not being Burmese, Peguers, or descendants of Europeans, shall be allowed to trade freely overland and by means of the rivers. Asiatic merchants, not being Burmese, Peguers, or descendants of Europeans, desiring to enter into, and trade with, the Siamese dominions from the countries of Mergui, Tavoy, Tenasserim, and Ye, which are now subject to the English, will be allowed to do so freely, overland and by water, upon the English furnishing them with proper certificates. But merchants are forbidden to bring opium, which is positively a contraband article in the territories of Siam, and should a merchant introduce any, the Governors shall seize, burn, and destroy the whole of it.

ARTICLE 11.

If an Englishman desire to transmit a letter to any person in a Siamese or other country, such person only and no other shall open and look into the letter. If a Siamese desire to transmit a letter to any person in an English or other country, such person only and no other shall open and look into the letter.

ARTICLE 12.

Siam shall not go and obstruct or interrupt commerce in the States of Tringano and Calantan. English merchants and subjects shall have trade and intercourse in future with the same facility and freedom as they have heretofore had, and the English shall not go and molest, attack, or disturb those States upon any pretence whatever.

ARTICLE 13.

The Siamese engage to the English, that the Siamese shall remain in Quedah and take proper care of that country, and of its people; the inhabitants of Prince of Wales' Island and of Quedah shall have trade and intercourse as heretofore;

the Siamese shall levy no duty upon stock and provisions, such as cattle, buffaloes, poultry, fish, paddy, and rice, which the inhabitants of Prince of Wales' Island or ships there may have occasion to purchase in Quedah, and the Siamese shall not farm the mouths of rivers or any streams in Quedah but shall levy fair and proper Import and Export Duties The Siamese further engage, that when Chao Phya of Ligor returns from Bangkok, he shall release the slaves, personal servants family, and kindred belonging to the former Governor of Quedah and permit them to go and live wherever they please The English engage to the Siamese that the English do not desire to take possession of Quedah that they will not attack or disturb it *nor permit the former Governor of Quedah, or any of his followers, to attack, disturb, or injure in any manner the territory of Quedah, or any other territory subject to Siam The English engage that they will make arrangements for the former Governor of Quedah to go and live in some other country, and not at Prince of Wales' Island or Prye, or in Perak, Salengore, or any Burmese country If the English do not let the former Governor of Quedah go and live in some other country as here engaged, the Siamese may continue to levy an Export Duty upon paddy and rice in Quedah* * The English will not prevent any Siamese Chinese or other Asiatics at Prince of Wales Island from going to reside in Quedah if they desire it

ARTICLE 14

The Siamese and English mutually engage that the Rajah of Perak shall govern his country according to his own will Should he desire to send the gold and silver flowers to Siam as heretofore, the English will not prevent his doing as he may desire If Chao Phya of Ligor desire to send down to Perak with friendly intentions forty (40) or fifty (50) men whether Siamese Chinese or other Asiatic subjects of Siam, or if the Rajah of Perak desire to send any of his ministers or officers to seek Chao Phya of Ligor, the English shall not forbid them The Siamese or English shall not send any force to go and molest attack or disturb Perak The English will not allow the State of Salengore to attack or disturb Perak, and the Siamese shall not go and attack or disturb Salengore The arrangements stipulated in these two last articles respecting Perak and Quedah Chao Phya of Ligor shall execute as soon as he returns home from Bangkok

The fourteen Articles of this Treaty let the great and subordinate Siamese and English officers, together with every great and small province, hear receive and obey without fail Their Excellencies the Ministers of high rank, at Bangkok and Captain Henry Burney, whom the Right Honourable Lord Amherst, Governor of Bengal, deputed as an Envoy to represent His Lordship, framed this Treaty together, in the presence of Prince Krom Meun Soorin Thiraksa, in the city of the sacred and great Kingdom of Si a yoo tha ya

The Treaty, written in the Siamese Malayan, and English languages, was concluded on Tuesday, the First day of the seventh decreasing Moon, 1188, year dog 8, according to the Siamese Æra, corresponding with the Twentieth day of June 1826, of the European Æra

* NOTE —The clause in italics have been annulled at the request of the Court of Siam, vide Pol. Cons., 22nd June 1842

Both copies of the Treaty are sealed and attested by Their Excellencies the Ministers, and by Captain Henry Burney. One copy Captain Henry Burney will take for the Ratification of the Governor of Bengal, and one copy, bearing the royal seal, Chao Phya of Ligor will take and place at Quedah. Captain Burney appoints to return to Prince of Wales' Island in seven months, in the second Moon of the year dog 8, and to exchange the ratifications of this Treaty with Phra Phak-di-Bori-rak, at Quedah. The Siamese and English shall form a friendship that shall be perpetuated, that shall know no end or interruption as long as Heaven and Earth endure.

H. BURNEY, *Captain*,
Envoy to the Court of Siam.

King of Siam's Seal.

AMHERST.

Ratified by the Right Honourable the Governor-General in Camp at Agra, this Seventeenth day of January, One Thousand Eight Hundred and Twenty-seven.

By Command of the Governor-General.

A. STIRLING.
Secretary to Government,
In attendance on the Governor-General.

Seal of Chao Phya Chak-kri. — Seal of Chao Phya Akho Mahasena Kalabone. — COMBERMERE.

Seal of Chao Phya Phra Khlang. — Seal of Chao Phya Tharana. — J. H. HARINGTON.

Seal of Chao Phya Phollo-thep. — Seal of Chao Phya Yomoraht — W. B. BAYLEY.

By Command of the Vice-President in Council.

GEORGE SWINTON,
Secretary to Government.

H. BURNEY, *Captain*,
Envoy to the Court of Siam, from the
Right Honourable the Governor-General of British India.

No II

Commercial Treaty of 1827

Their Excellencies the Ministers and Captain Henry Burney having settled a Treaty of Friendship, consisting of fourteen Articles now frame the following Agreement with respect to English vessels desiring to come and trade in the city of the sacred and great Kingdom of Si a yoo tha ya (Bangkok)

Article 1

Vessels belonging to the subjects of the English Government, whether Europeans or Asiatics desiring to come and trade at Bangkok, must conform to the established laws of Siam in every particular Merchants coming to Bangkok are prohibited from purchasing paddy or rice for the purpose of exporting the same as merchandize and if they import fire arms shot or gunpowder they are prohibited from selling them to any party but to the Government Should the Government not require such fire arms shot or gunpowder the merchants must re-export the whole of them With exception to such warlike stores, and paddy and rice merchants subjects of the English and merchants at Bangkok may buy and sell without the intervention of any other person and with freedom and facility Merchants coming to trade shall pay at once the whole of the duties and charges consolidated according to the breadth of the vessel

If the vessel bring an import cargo she shall be charged seventeen hundred (1,700) ticals for each Siamese fathom in breadth

If the vessel bring no import cargo she shall be charged fifteen hundred (1 500) ticals for each Siamese fathom in breadth

No import, export, or other duty shall be levied upon the buyers or sellers from or to, English subjects

Article 2

Merchant vessels, the property of English subjects arriving off the bar must first anchor and stop there and the Commander of the vessel must despatch a person with an account of the cargo, and a return of the people guns shot and powder on board the vessel for the information of the Governor at the mouth of the river, who will send a pilot and interpreter to convey the established regulations to the Commander of the vessel Upon the pilot bringing the vessel over the bar, she must anchor and stop below the chokey, which the interpreter will point out

Article 3

The proper officers will go on board the vessel and examine her thoroughly, and after the guns shot and powder have been removed and deposited at Paknam (port at the mouth of the Menam) the Governor of Paknam will permit the vessel to pass up to Bangkok

ARTICLE 4.

Upon the vessel's arriving at Bangkok, the officers of the customs will go on board and examine her, open the hold, and take an account of whatever cargo may be on board, and after the breadth of the vessel has been measured and ascertained, the merchants will be allowed to buy and sell according to the first article of this agreement. Should a vessel, upon receiving an export cargo, find that she cannot cross the bar with the whole, and that she must hire cargo boats to take down a portion of the cargo, the officers of the customs and chokeys shall not charge any further Duty upon such cargo boats.

ARTICLE 5.

Whenever a vessel or cargo boat completes her lading, the Commander of the vessel must go and ask Chao Phya Phra Khlang for a port clearance, and if there be no cause for detention, Chao Phya Phra Khlang shall deliver the port clearance without delay. When the vessel, upon her departure, arrives at Paknam, she must anchor and stop at the usual chokey, and after the proper officers have gone on board and examined her, the vessel may receive her guns, shot and powder, and take her departure.

ARTICLE 6.

Merchants being subjects of the English Government, whether Europeans or Asiatics, the Commanders, officers, lascars, and the whole of the crew of vessels, must conform to the established laws of Siam, and to the stipulations of this Treaty in every particular. If merchants of every class do not observe the Articles of this Treaty, and oppress the inhabitants of the country, become thieves or bad men, kill men, speak offensively of, or treat disrespectfully, any great or subordinate officers of the country, and the case become important in any way whatever, the proper officers shall take jurisdiction of it, and punish the offender. If the offence be homicide, and the officers, upon investigation, see that it proceeded from evil intention, they shall punish with death. If it be any other offence, and the party be the commander or officer of a vessel, or a merchant, he shall be fined. If he be of a lower rank, he shall be whipped or imprisoned, according to the established laws of Siam. The Governor of Bengal will prohibit English subjects, desiring to come and trade at Bangkok, from speaking disrespectfully or offensively to, or of the great officers in Siam. If any person at Bangkok oppress any English subject, he shall be punished according to his offence in the same manner.

The six Articles of this Agreement, let the Officers at Bangkok, and merchants subject to the English, fulfil and obey in every particular.

H. BURNEY, *Captain,*
Envoy to the Court of Siam.

King of Siam's Seal.

AMHERST.

Ratified by the Right Honourable the Governor-General, in Camp, at Agra this 17th day of January, One thousand Eight Hundred and Twenty seven

By Command of the Governor-General

A STIRLING,

Secretary to Government,

In attendance on the Governor General

	Seal of Cha Phya Akho Mahasena Kalabone	
Seal of Chao Phya Chak kri		COMBERMERE.
Seal of Chao Phya Phra Khlang	Seal of Chao Phya Tharana	J H HARINGTON
Seal of Chao Phya Phollo thep	Seal of Chao Phya Yomoraht	W B BAYLEY

By Command of the Vice-President in Council

GEORGE SWINTON,

Secretary to Government

H BURNEY, *Captain*

Envoy to the Court of Siam, from the

Right Honourable the Governor General of British India.

———

No III

ENGAGEMENT betwixt ROBERT IBBETSON, ESQUIRE, RESIDENT of SINGAPORE, PULO PENANG, and MALACCA, who has come into the QUEDAH COUNTRY, and the CHOW PHYA of LIGOR SI TAMRAT, who is under the dominion of SOMDET PHRA PHOOTTHEE CHOW YO HOOA who is the SUPREME RULER over the *great country of* SRI AYOOTTHEEYA, *viz*, SIAM—1831

With reference to the third Article of the Treaty betwixt Somdet Phra Phootthee Chow Yo Hooa, who is the supreme ruler over the great country of Sri Ayoottheeya and the British Government, it is now agreed on betwixt the above contracting parties, *viz*, the Chow Phya of Ligor Si Tamrat and Robert Ibbetson, Esq , Resident of Singapore, Pulo Penang and Malacca, and with respect to the subject of the boundary betwixt the British territory of Province Wellesley and the country and Government of Quedah, that the said boundary shall be as follows from Summatool, on the south bank of the Soongei Qualla Mood, by a road leading to the

River Prye, at a spot ten orlongs east of the river Soongei Dua Hooloo, then descending the middle of the Prye River, to the mouth of the River Soongei Sintoo, then ascending the Soongei Sintoo in a straight direction eastward, and up to the Hill Bukit Moratajum, then from Bukit Moratajum along the range of hills called Bukit Berator, to a place on the north bank of the River Kreean, five orlongs above and east of Bukit Tungal; and it is agreed that brick or stone pillars shall be erected, one at the boundary of Summatool, another at the boundary of the River, and a third at the boundary on the Kreean River.

Two copies of this Agreement have been made out, and to these have been affixed the seal of the Honourable English Company, and the signature of Robert Ibbetson, Esquire, Resident of Singapore, Polo Penang, and Malacca, and the chop or seal of the Chow Phya of Ligor Si Tamrat; one copy to be retained by each of the above contracting parties, and the said Agreement has been written in three languages, the Siamese, Malayan, and English, on Wednesday, the second day of November, one thousand eight hundred and thirty-one of the English era, and the twelfth day of the Moon's decrease in the eleventh month of the year of the Hare, one thousand one hundred and ninety-three Sasok.

R. IBBETSON,
Resident of Singapore, Prince of Wales' Island, and Malacca.

Seal of the Prince of Wales' Island. East India Company.

Chop of the Rajah of Ligor.

JAMES LOW,
Assistant Resident and Translator.

No. IV.

TREATY of 1855 with Siam.

Her Majesty the Queen *of the United Kingdom of Great Britain and Ireland* and all its dependencies, and their Majesties Phra Bard Somdetch Phra Paramendo Maha Mongkut Phra Choni Klan Chan *Yu Hua, the first King of Siam,* and Phra Bard Somdetch Phra Pawarendu Ramese Mahiswarese Phra Pin Klan Chan Yu Hua, the second King of Siam, desiring to establish, upon firm and lasting foundations, the relations of peace and friendship existing between the two countries, and to secure the best interests of their respective subjects by encouraging, facilitating, and regulating their industry and trade, have resolved to conclude a Treaty of Amity and Commerce for this purpose, and have therefore named as their Plenipotentiaries; that is to say.

Her Majesty the Queen of Great Britain and Ireland, Sir John Bowring, Knight, Doctor of Laws, etc., etc.

And their Majesties the first and second Kings of Siam His Royal Highness Krom Hluang Wongsa Dhiraj Snidh His Excellency Somdetch Chan Phaya Param Maha Puyura Wongse His Excellency Somdetch Chan Phaya Param Maha Bijimeate His Excellency Chan Phaya Sri Suriwongse Samuha Phra Kralahome and His Excellency Chan Phaya acting Phraklang

Who after having communicated to each other their respective full powers and found them to be in good and due form have agreed upon and concluded the following Articles —

Article 1 —There shall henceforward be perpetual peace and friendship between Her Majesty the Queen of Great Britain and Ireland and Her successors and their Majesties the first and second Kings of Siam and their successors All British subjects coming to Siam shall receive from the Siamese Government full protection and assistance to enable them to reside in Siam in all security and trade with every facility free from oppression or injury on the part of the Siamese And all Siamese subjects going to an English country shall receive from the British Government the same complete protection and assistance that shall be granted to British subjects by the Government of Siam

Article 2 —The interests of all British subjects coming to Siam shall be placed under the regulation and control of a Consul who will be appointed to reside at Bangkok He will himself conform to and will enforce the observance by British subjects, of all the provisions of the Treaty and such of the former Treaty negotiated by Captain Burney in 1826 as shall still remain in operation He shall also give effect to all Rules or Regulations as are now or may hereafter be enacted for the government of British subjects in Siam the conduct of their trade and for the prevention of violations of the Laws of Siam Any disputes arising between British and Siamese subjects shall be heard and determined by the Consul in conjunction with the proper Siamese Officers and criminal offences will be punished in the case of English offenders by the Consul according to English Laws and in the case of Siamese offenders by their own Laws through the Siamese authorities But the Consul shall not interfere in any matters referring solely to Siamese neither will the Siamese authorities interfere in questions which only concern the subjects of Her Britannic Majesty

It is understood however that the arrival of the British Consul at Bangkok shall not take place before the Ratification of this Treaty nor until ten vessels owned by British subjects sailing under British colors and with British papers shall have entered the Port of Bangkok for the purposes of trade subsequent to the signing of this Treaty

Article 3 —If Siamese in the employ of British subjects offend against the Laws of their country or if any Siamese having so offended or desiring to desert, take refuge with a British subject in Siam they shall be searched for and upon proof of their guilt or desertion shall be delivered up by the Consul to the Siamese authorities In like manner any British offenders resident or trading in Siam, who may desert escape to or hide themselves in Siamese territories shall be apprehended and delivered over to the British Consul on his requisition

Chinese not able to prove themselves to be British subjects shall not be considered as such by the British Consul, nor be entitled to his protection.

Article 4.—British subjects are permitted to trade freely in all the seaports of Siam, but may reside permanently only at Bangkok, or within the limits assigned by this Treaty. British subjects coming to reside at Bangkok may rent land and buy or build houses, but cannot purchase lands within a circuit of 200 seng (not more than four miles English) from the City walls, until they shall have lived in Siam for ten years, or shall obtain special authority from the Siamese Government to enable them to do so. But with the exception of this limitation British residents in Siam may at any time buy or rent houses, lands, or plantations situated anywhere within a distance of twenty-four hours' journey from the City of Bangkok, to be computed by the rate at which boats of the country can travel. In order to obtain possession of such lands or houses it will be necessary that the British subject shall, in the first place, make application through the Consul to the proper Siamese officer, and the Siamese officer and the Consul having satisfied themselves of the honest intentions of the applicant, will assist him in settling, upon equitable terms, the amount of the purchase-money, will make out and fix the boundaries of the property, and will convey the same to the British purchaser under sealed Deeds, whereupon he and his property shall be placed under the protection of the Governor of the district, and that of the particular local authorities: he shall conform in ordinary matters to any just directions given him by them and will be subject to the same taxation that is levied on Siamese subjects. But if, through negligence, the want of capital or other cause, a British subject should fail to commence the cultivation or improvement of the lands so acquired within a term of three years from the date of receiving possession thereof, the Siamese Government shall have the power of resuming the property upon returning to the British subject the purchase-money paid by him for the same.

Article 5.—All British subjects intending to reside in Siam shall be registered at the British Consulate. They shall not go out to sea, nor proceed beyond the limits assigned by this Treaty for the residence of British subjects, without a passport from the Siamese authorities, to be applied for by the British Consul, nor shall they leave Siam if the Siamese authorities show to the British Consul that legitimate objections exist to their quitting the country. But within the limits appointed under the preceding Article British subjects are at liberty to travel to and fro under the protection of a Pass, to be furnished them by the British Consul, and counter-sealed by the proper Siamese Officer, stating, in the Siamese character, their names, calling, and description. The Siamese Officers at the Government Stations in the interior may, at any time, call for the production of this Pass; and, immediately on its being exhibited, they must allow the parties to proceed, but it will be their duty to detain those persons who, by travelling without a Pass from the Consul, render themselves liable to the suspicion of their being deserters; and such detention shall be immediately reported to the Consul.

Article 6.—All British subjects visiting or residing in Siam shall be allowed the free exercise of the Christian Religion, and liberty to build Churches in such loca-

lities as shall be consented to by the Siamese Authorities The Siamese Government will place no restrictions upon the employment, by the English of Siamese subjects as servants, or in any other capacity But wherever a Siamese subject belongs or owes service to some particular master, the servant who engages himself to a British subject without the consent of his master, may be reclaimed by him, and the Siamese Government will not enforce an Agreement between a British subject and any Siamese in his employ unless made with the knowledge and consent of the master who has a right to dispose of the services of the person engaged

Article 7 —British Ships of War may enter the river and anchor at Paknam but they shall not proceed above Paknam, unless with the consent of the Siamese authorities which shall be given where it is necessary that a ship shall go into dock for repairs Any British Ship of War conveying to Siam a public functionary, accredited by the British Government to the Court of Bangkok, shall be allowed to come up to Bangkok, but shall not pass the Forts called Phrachamit and Pit pach nuck, unless expressly permitted to do so by the Siamese Government But in the absence of a British Ship of War the Siamese authorities to engage to furnish the Consul with a force sufficient to enable him to give effect to his authority over British subjects, and to enforce discipline among British Shipping

Article 8 —The measurement Duty hitherto paid by British vessels trading to Bangkok, under the Treaty of 1826, shall be abolished from the date of this Treaty coming into operation, and British Shipping or Trade will thenceforth be only subject to the payment of Import and Export Duties on the goods landed or shipped

On all articles of import the Duty shall be three per cent payable at the option of the importer, either in kind or money calculated upon the market value of the goods Drawback of the full amount of duty shall be allowed upon goods found unsaleable and re exported Should the British Merchant and the Custom House Officers disagree as to the value to be set upon imported articles such disputes shall be referred to the Consul and proper Siamese Officer, who shall each have the power to call in an equal number of Merchants as assessors not exceeding two on either side, to assist them in coming to an equitable decision

Opium may be imported free of Duty, but can only be sold to the Opium farmer or his agents In the event of no arrangement being effected with them for the sale of the Opium it shall be re exported, and no Impost or Duty shall be levied thereon Any infringement of this Regulation shall subject the Opium to seizure and confiscation

Articles of export, from the time of production to the date of shipment shall pay one Impost only, whether this be levied under the name of Inland Tax, Transit Duty, or Duty on exportation The Tax or Duty to be paid on each article of Siamese produce, previous to or upon exportation, is specified in the Tariff attached to this Treaty, and it is distinctly agreed that goods or produce that pay any description of Tax in the interior shall be exempted from any further payment of Duty on exportation English merchants are to be allowed to purchase directly

from the producer the articles in which they trade, and in like manner to sell their goods directly to the parties wishing to purchase the same, without the interference, in either case, of any other person.

The rates of Duty laid down in the Tariff attached to this Treaty are those that are now paid upon goods or produce shipped in Siamese or Chinese vessels or junks; and it is agreed that British Shipping shall enjoy all the privileges now exercised by, or which hereafter may be granted to Siamese or Chinese vessels or junks.

British subjects will be allowed to build ships in Siam on obtaining permission to do so from the Siamese authorities.

Whenever a scarcity may be apprehended of salt, rice, and fish, the Siamese Government reserve to themselves the right of prohibiting, by public proclamation, the exportation of these articles.

Bullion or personal effects may be imported or exported free of charge.

Article 9.—The Code of Regulations appended to this Treaty shall be enforced by the Consul, with the co-operation of the Siamese Authorities, and they, the said Authorities and Consul, shall be enabled to introduce any further Regulations which may be found necessary in order to give effect to the objects of this Treaty.

All fines and penalties inflicted for infraction of the provisions and regulations of this Treaty shall be paid to the Siamese Government.

Until the British Consul shall arrive at Bangkok and enter upon his functions, the consignees of British vessels shall be at liberty to settle with the Siamese Authorities all questions relating to their trade.

Article 10.—The British Government and its subjects will be allowed free and equal participation in any privileges that may have been, or may hereafter be, granted by the Siamese Government to the Government or subjects of any other nation.

Article 11.—After the lapse of ten years from the date of the Ratification of this Treaty, upon the desire of either the British or Siamese Government, and on twelve months' notice given by either party, the present, and such portion of the Treaty of 1826 as remain unrevoked by this Treaty together with the Tariff and Regulations thereunto annexed, or those that may hereafter be introduced, shall be subject to revision by Commissioners appointed on both sides for this purpose, who will be empowered to decide on and insert therein such amendments as experience shall prove to be desirable.

Article 12.—This Treaty, executed in English and Siamese, both versions having the same meaning and intention, and the Ratifications thereof having been previously exchanged, shall take effect from the 6th day of April in the year 1856 of the Christian Era, corresponding to the 1st day of the fifth month of the One Thousand Two Hundred and Eighteenth year of the Siamese Civil Era.

In witness whereof the above-named Plenipotentiaries have signed and sealed the present Treaty in quadruplicate at Bangkok, on the Eighteenth day of April,

in the year 1855 of the Christian Era corresponding to the second day of the Sixth month of the One Thousand Two Hundred and Seventeenth year of the *Siamese Civil Era*

JOHN BOWRING

(Signatures and Seals of the five Siamese Plenipotentiaries)

GENERAL REGULATIONS under which BRITISH TRADE is to be conducted in SIAM

Regulation 1—The Master of every English ship coming to Bangkok to trade must, either before or after entering the river as may be found convenient, report the arrival of his vessel at the Custom House at Paknam, together with the number of his crew and guns, and the port from whence he comes Upon anchoring his vessel at Paknam, he will deliver into the custody of the Custom House Officers all his guns and ammunition, and a Custom House Officer will then be appointed to the vessel, and will proceed in her to Bangkok

Regulation 2—A vessel passing Paknam without discharging her guns and ammunition, as directed in the foregoing Regulation will be sent back to Paknam to comply with its provisions and will be fined eight hundred ticals for having so disobeyed After delivery of her guns and ammunition she will be permitted to *return to Bangkok to trade*

Regulation 3—When a British vessel shall have cast anchor at Bangkok the Master, unless a Sunday should intervene, will, within four and twenty hours after arrival, proceed to the British Consulate and deposit there his Ship's Papers Bills of Lading, etc, together with a true Manifest of his Import Cargo and upon the Consul's reporting these particulars to the Custom House, permission to break bulk will at once be given by the latter

For neglecting so to report his arrival, or for presenting a false Manifest the Master will subject himself, in each instance to a penalty of four hundred ticals but he will be allowed to correct, within twenty four hours after delivery of it to the Consul, any mistake he may discover in his Manifest, without incurring the above mentioned penalty

Regulation 4—A British vessel breaking bulk and commencing to discharge before due permission shall be obtained, or smuggling, either when in the river or outside the bar shall be subject to the penalty of eight hundred ticals and confiscation of the goods so smuggled or discharged

Regulation 5—As soon as a British vessel shall have discharged her cargo and completed her outward lading, paid all her Duties, and delivered a true Manifest of her outward cargo to the British Consul, a Siamese Port Clearance shall be granted her on application from Consul, who in the absence of any legal impediment to her departure will then return to the Master his Ship's Papers and allow the vessel to leave A Custom House Officer will accompany the vessel to Paknam,

No. V.

AGREEMENT entered into between the undermentioned ROYAL COMMISSIONERS on the part of THEIR MAJESTIES the FIRST and SECOND KINGS of SIAM, and HARRY SMITH PARKES, ESQ., on the part of HER BRITANNIC MAJESTY'S GOVERNMENT—1856.

Mr. Parkes having stated, on his arrival at Bangkok, as bearer of Her Britannic Majesty's Ratification of the Treaty of Friendship and commerce concluded on the 18th day of April 1855, between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and their Majesties Phra Bard Somdetch Phra Paramendy Maha Mongkut Phra Cham Klan Chan Yu Hua, the First King of Siam and Phra Bard Somdetch Phra Pawarendr Ramesr Mahiswaresr Phra Pin Klau Chan Yu Hua, the Second King of Siam, that he was instructed by the Earl of Clarendon, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, to request the Siamese Government to consent to an enumeration of those Articles of the former Treaty, concluded in 1826, between the Honourable East India Company and their late Majesties the First and Second Kings of Siam, which are abrogated by the Treaty first named, and also to agree to certain explanations which appear necessary to mark the precise force and application of certain portions of the new Treaty, their aforesaid Majesties, the First and Second Kings of Siam, have appointed and empowered certain Royal Commissioners, namely, His Royal Highness Krom Hluang Wang-sa Dhiraj Snidh, and their Excellencies the four Senaputhies or Principal Ministers of Siam, to confer and arrange with Mr. Parkes the matters above-named, and the said Royal Commissioners having accordingly met Mr. Parkes for this purpose on repeated occasions and maturely considered all the subjects brought by him to their notice, have resolved—

That it is proper, in order to prevent future controversy, that those clauses of the old Treaty, which are abrogated by the new Treaty, should be distinctly specified, and that any clause of the new Treaty, which is not sufficiently clear, should be fully explained. To this end they have agreed to and concluded the following twelve Articles :—

ARTICLE 1.

On the old Treaty concluded in 1826.

The Articles of the old Treaty not abrogated by the new Treaty are 1, 2, 3, 8, 11, 12, 13, and 14, and the undermentioned clauses of Articles 6 and 10.

In Article 6, the Siamese desire to retain the following clause :—

" If a Siamese or English merchant buy or sell without enquiring and ascertaining whether the seller or buyer be of a good or bad character, and if he meet with a bad man who takes the property and absconds, the rulers and officers on either

side must make search and endeavour to produce the property of the absconder, and investigate the matter with sincerity If the party possess money or property, he can be made to pay but if he does not possess any or if he cannot be appre hended it will be the merchants own fault and the authorities cannot be held responsible

Of Article 10 Mr Parkes desires to retain that clause relating to the Overland Trade, which states—

Asiatic merchants of the English countries not being Burmese Pegouans or descendants of Europeans desiring to enter into and to trade with the Siamese dominions from the countries of Mergui Tavoy Tenasserim and Ye which are now subject to the English will be allowed to do so freely overland and by water, upon the English furnishing them with proper certificates Mr Parkes however, desires that all British subjects without exception shall be allowed to participate in this Overland trade The said Royal Commissioners therefore agree on the part of the Siamese that all traders under British rule may cross from the British territories of Mergui Tavoy Ye Tenasserim Pegu or other places by land or by water to the Siamese territories and may trade there with facility on the condition that they shall be provided by the British authorities with proper Certificates which must be renewed for each journey

The Commercial Agreement annexed to the old Treaty is abrogated by the new Treaty with the exception of the undermentioned clauses of Articles 1 and 4 —

Of Article 1 the Siamese desire to retain the following clause —

British Merchants importing fire arms shot or gunpowder are prohibited from selling them to any party but the Government should the Government not require such fire arms shot or gunpowder the Merchants must re export the whole of them

Article 4 stipulates that no charge or duty shall be levied on boats carrying cargo of British ships at the bar The Siamese desire to cancel this clause for the reason that the old measurement duty of 1 700 ticals per fathom included the fees of the various officers But as this measurement duty has now been abolished the Siamese wish to levy on each native boat taking cargo out to sea a fee of 8 ticals 2 salungs this being the charge paid by Siamese traders, and Mr Parkes undertakes to submit this point to the consideration of Her Majesty s Minister Plenipotentiary to the Court of Siam

ARTICLE 2

On the exclusive jurisdiction of the Consul over British subjects

The 2nd Article of the Treaty stipulates that any disputes arising between the British and Siamese subjects shall be heard and determined by the Council in conjunction with the proper Siamese officers and criminal offenders will be punished in the case of English offenders, by the Consul according to English laws

and in the case of Siamese offenders, by their own laws, through the Siamese authorities." But the Consul shall not interfere in any matters referring solely to Siamese, neither will the Siamese authorities interfere in questions which only concern the subjects of Her Britannic Majesty.

On the non-interference of the Consul with the Siamese, or of the Siamese with British subjects, the said Royal Commissioners desire, in the first place, to state that, while for natural reasons they fully approve of the Consul holding no jurisdiction over Siamese in their own country, the Siamese authorities, on the other hand, will feel themselves bound to call on the Consul to apprehend and punish British subjects, who shall commit, whilst in Siamese territory, any grave infractions of the laws, such as cutting, wounding or inflicting other serious bodily harm. But in disputes or in offences of a slighter nature committed by British subjects among themselves, the Siamese authorities will refrain from all interference.

With reference to the punishment of offences, or the settlement of disputes, it is agreed—

That all criminal cases in which both parties are British subjects, or in which the defendant is a British subject, shall be tried and determined by the British Consul alone.

All criminal cases in which both parties are Siamese, or in which the defendant is a Siamese, shall be tried and determined by the Siamese authorities alone.

That all civil cases in which both parties are British subjects, or in which the defendant is a British subject, shall be heard and determined by the British Consul alone. All civil cases in which both parties are Siamese or in which the defendant is a Siamese, shall be heard and determined by the Siamese authorities alone.

That whenever a British subject has to complain against a Siamese, he must make his complaint through the British Consul, who will lay it before the proper Siamese authorities.

That in all cases in which Siamese or British subjects are interested, the Siamese authorities in the one case, and the British Consul in the other, shall be at liberty to attend at and listen to the investigation of the case, and copies of the proceedings will be furnished from time to time, or whenever desired, to the Consul or the Siamese authorities, until the case is concluded.

That although the Siamese may interfere so far with British subjects as to call upon the Consul in the manner stated in this Article, to punish grave offences when committed by British subjects, it is agreed that—

British subjects, their persons, houses, premises, lands, ships or property of any kind shall not be seized, injured, or in any way interfered with by the Siamese. In case of any violation of this stipulation, the Siamese authorities will take cognisance of the case, and punish the offenders. On the other hand, Siamese subjects, their persons, houses, premises, or property of any kind shall not be seized, injured, or in any way interfered with by the English, and the British Consul shall investigate and punish any breach of this stipulation.

Article 3

On the r ght of the Brit sh S bject to d spose of the r p ope t j at will

By the 4th Art cle of the Treaty Br t l ubjects are allowe l to p rcha e n S am l ouses gar l fel l or plantat on. It s agree l n referen e to th s st pulat o that B t sl s l je t who l ave ac or l gly purcl a e l l ou e gar len fiel ls or pl ntat on are at l be ty to e l the me to whomsoe er tl ey pl ase In tl e e ent of a Br t h s l ject ly n S am a l l av ng ho se lands o a y property h s relat on or tl per ons l o ar h s he rs ac ord ng to Engl h laws sl all rece ve po e on of the l property an l tl e Br t l Cons l or some o e appo nte l by the Br l Con l n ay proceed at once to take ch rge of the a d propert on tl r account If tl e lecea e l sho l l have lebt due t l n by tl e S ame e or other per o tl e Con l ca collect them an l if tl e lec a d shoul l owe money the Consul shall l qu date h s debt a far as th e tate of the deceased shall suff ce

Article 4

On tl t e l es o o ler large le a e B l ject

Tl e 4th Art l f tl e Treat p v le for th pay n t l n l l l l or p rcl a e l by Br t h s l je t f th sa n axa o ha lev e l o S ame ubje ts The taxe l ere all de l to are tho set for h th a n x l he lule Aga n t is stated n tl e 8th Ar cle that B t h ubject are to pa n port an l export dut es a cord ng to the tar ff a nexe l to the Treaty F r the sake of greater d t nctness t cce ary to a ld to t e e v l the f ll w g ex planat on an ely that l e le the l n l tax a l th port n l export lut e ment one l n tl e aforesa l a t cle o add t o al cl a ge or a of any k l nay be po ed po a B h l jec l ol ta h a t o b t f tl pren S a ce a tl or t s an l tl Br t l Co ul

Article 5

O pa and po t cl a

Tl e f th Art le of the Tre ty p le tl at p p ts a l l g ant l to tr el lers l tl e tl Art le f tl e r l o tl at p rt cl ara e h l l b f en l el to sl p In r fere e tl eret the sa l l oy l Co r at tl e reque t of Mr Parke a ee tl at the pa p rt to b g t I r t l s l j ts tra ll beyo l tl e l n ts l l y tl e T e ty fo t r le of B t l s l ject together tl the p s for ap l o t a l tl e port cle ces of Br t l l p sl all l e el tl t n y f r l our aft r for l appl at on f r tl e sa e l all ha e b en m le to tl e proper S a ne e autl or t But f rea onal le c se sl ould

at any time exist for delaying or withholding the issue of any of these papers, the Siamese authorities must at once communicate it to the Consul.

Passports for British subjects travelling in the interior, and the port clearances of British ships, will be granted by the Siamese authorities free of charge.

ARTICLE 6.

On the prohibition of the exportation of rice, salt, and fish and on the duty on paddy.

The 8th Article of the Treaty stipulates that "whenever a scarcity may be apprehended of salt, rice and fish, the Siamese Government reserve to themselves the right of prohibiting, by public proclamation, the exportation of these articles."

Mr. Parkes, in elucidation of this clause, desires an agreement to this effect, namely, that a month's notice shall be given by the Siamese authorities to the Consul prior to the enforcement of the prohibition, and that British subjects, who may previously obtain special permission from the Siamese authorities to export a certain quantity of rice which they have already purchased, may do so even after the prohibition comes in force. Mr. Parkes also requests that the export duty on paddy should be half of that on rice, namely, 2 ticals per koyan.

The said Royal Commissioners, having in view the fact that rice forms the principal sustenance of the nation, stipulate that, on the breaking out of war or rebellion, the Siamese may prohibit the trade in rice, and may enforce the prohibition so long as the hostilities thus occasioned shall continue. If a dearth should be apprehended on account of the want or excess of rain, the Consul will be informed one month previous to the enforcement of the prohibition. British merchants who obtain the Royal permission upon the issue of the proclamation, to export a certain quantity of rice which they have already purchased, may do so irrespective of the prohibition to the contrary; but those merchants who do not obtain the Royal permission will not be allowed, when the prohibition takes effect, to export the rice they may already have purchased.

The prohibition shall be removed as soon as the cause of its being imposed shall have ceased to exist.

Paddy may be exported on payment of a duty of 2 ticals per koyan, or half the amount levied on rice.

ARTICLE 7.

On permission to import gold-leaf as bullion.

Under the 8th Article of the Treaty, bullion may be imported or exported free of charge. With reference to this clause, the said Royal Commissioners, at the request of Mr. Parkes, agree that foreign coins of every denomination, gold and silver in bars or ingots, and gold-leaf, may be imported free; but manufactured articles in gold and silver, plated-ware and diamonds or other precious stones must pay an import duty of three per cent.

ARTICLE 8.

On the establishment of a Custom House

The said Royal Commissioners, at the request of Mr Parkes, and in conformity with the intent of the 8th Article of the new Treaty, agree to the immediate establishment of a Custom House, under the superintendency of a high Government functionary, for the examination of all goods landed or shipped, and the receipt of the import and export duties due thereon They further agree that the business of the Custom House shall be conducted under the regulations annexed to this agreement

ARTICLE 9

On the subsequent taxation of articles now free from duty

Mr Parkes agrees with the said Royal Commissioners that whenever the Siamese Government deem it to be beneficial for the country to impose a single tax or duty on any article not now subject to a public charge of any kind they are at liberty to do so, provided that the said tax be just and reasonable

ARTICLE 10

On the boundaries of the four mile circuit

It is stipulated in the 4th Article of the Treaty that British subjects coming to reside at Bangkok may rent land, and buy or build houses but cannot purchase lands within a circuit of 200 sen (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years or shall obtain special authority from the Siamese Government to enable them to do so'

The points to which this circuit extends due north, south, east and west of the city, and the spot where it crosses the river below Bangkok, have accordingly been measured by officers on the part of the Siamese and English, and their measurements, having been examined and agreed to by the said Royal Commissioners and Mr Parkes, are marked by stone pillars placed at the under mentioned localities, *viz* —

On the North —One sen north of Wat Kemabherataram

On the East —Six sen and seven fathoms south-west of Wat Bangkopi

On the South —About nineteen sen south of the village of Bangpakio

On the West —About two sen south-west of the village of Bangphrom

The pillars marking the spot where the circuit line crosses the river below Bangkok are placed on the left bank, three sen below the village of Bangmanan and on the right bank about one sen below the village of Banglampuluem.

at any time exist for delaying or withholding the issue of any of these papers, the Siamese authorities must at once communicate it to the Consul.

Passports for British subjects travelling in the interior, and the port clearances of British ships, will be granted by the Siamese authorities free of charge.

Article 6.

On the prohibition of the exportation of rice, salt, and fish and on the duty on paddy.

The 8th Article of the Treaty stipulates that "whenever a scarcity may be apprehended of salt, rice and fish, the Siamese Government reserve to themselves the right of prohibiting, by public proclamation, the exportation of these articles."

Mr. Parkes, in elucidation of this clause, desires an agreement to this effect, namely, that a month's notice shall be given by the Siamese authorities to the Consul prior to the enforcement of the prohibition, and that British subjects, who may previously obtain special permission from the Siamese authorities to export a certain quantity of rice which they have already purchased, may do so even after the prohibition comes in force. Mr. Parkes also requests that the export duty on paddy should be half of that on rice, namely, 2 ticals per koyan.

The said Royal Commissioners, having in view the fact that rice forms the principal sustenance of the nation, stipulate that, on the breaking out of war or rebellion, the Siamese may prohibit the trade in rice, and may enforce the prohibition so long as the hostilities thus occasioned shall continue. If a dearth should be apprehended on account of the want or excess of rain, the Consul will be informed one month previous to the enforcement of the prohibition. British merchants who obtain the Royal permission upon the issue of the proclamation, to export a certain quantity of rice which they have already purchased, may do so irrespective of the prohibition to the contrary; but those merchants who do not obtain the Royal permission will not be allowed, when the prohibition takes effect, to export the rice they may already have purchased.

The prohibition shall be removed as soon as the cause of its being imposed shall have ceased to exist.

Paddy may be exported on payment of a duty of 2 ticals per koyan, or half the amount levied on rice.

Article 7.

On permission to import gold-leaf as bullion.

Under the 8th Article of the Treaty, bullion may be imported or exported free of charge. With reference to this clause, the said Royal Commissioners, at the request of Mr. Parkes, agree that foreign coins of every denomination, gold and silver in bars or ingots, and gold-leaf, may be imported free; but manufactured articles in gold and silver, plated-ware and diamonds or other precious stones must pay an import duty of three per cent.

Article 8

On the establishment of a Custom House

The said Royal Commissioners at the request of Mr Parkes and in conformity with the intent of the 8th Article of the new Treaty agree to the immediate establishment of a Custom House under the superintendency of a high Government functionary for the examination of all goods landed or shipped and the receipt of the import and export duties due thereon They further agree that the business of the Custom House shall be conducted under the regulations annexed to this agreement

Article 9

On the subject of taxation of articles not free from duty

Mr Parkes agrees with the said Royal Commissioners that whenever the Siamese Government deem it to be beneficial for the country to impose a single tax or duty on any article not now subject to a public charge of any kind they are at liberty to do so provided that the said tax be just and reasonable

Article 10

On the boundaries of the four mile circuit

It is stipulated in the 4th Article of the Treaty that British subjects coming to reside at Bangkok may rent land and buy or build houses but cannot purchase lands within a circuit of 200 sen (not more than four miles English) from the city walls until they shall have lived in Siam for ten years or shall obtain special authority from the Siamese Government to enable them to do so

The points to which this circuit extends due north south east and west of the city and the spot where it crosses the river below Bangkok have accordingly been measured by officers on the part of the Siamese and English and their measurements having been examined and agreed to by the said Royal Commissioners and Mr Parkes are marked by stone pillars placed at the undermentioned localities viz —

On the North —One sen north of Wat Kemabheratararm

On the East —Six sen and seven fathoms south west of Wat Bangk pi

On the South —About nineteen sen south of the village of Ban[illegible]

On the West —About two sen south west of the village of Ba[illegible]

The pillars marking the spot where the circuit line crosses the river below Bangkok are placed on the left bank three sen below the village of B[illegible] and on the right bank about one sen below the village of Bang[illegible]

at any time exist for delaying or withholding the issue of any of these papers, the Siamese authorities must at once communicate it to the Consul.

Passports for British subjects travelling in the interior, and the port clearances of British ships, will be granted by the Siamese authorities free of charge.

ARTICLE 6.

On the prohibition of the exportation of rice, salt, and fish and on the duty on paddy.

The 8th Article of the Treaty stipulates that " whenever a scarcity may be apprehended of salt, rice and fish, the Siamese Government reserve to themselves the right of prohibiting, by public proclamation, the exportation of these articles."

Mr. Parkes, in elucidation of this clause, desires an agreement to this effect, namely, that a month's notice shall be given by the Siamese authorities to the Consul prior to the enforcement of the prohibition, and that British subjects, who may previously obtain special permission from the Siamese authorities to export a certain quantity of rice which they have already purchased, may do so even after the prohibition comes in force. Mr. Parkes also requests that the export duty on paddy should be half of that on rice, namely, 2 ticals per koyan.

The said Royal Commissioners, having in view the fact that rice forms the principal sustenance of the nation, stipulate that, on the breaking out of war or rebellion, the Siamese may prohibit the trade in rice, and may enforce the prohibition so long as the hostilities thus occasioned shall continue. If a dearth should be apprehended on account of the want or excess of rain, the Consul will be informed one month previous to the enforcement of the prohibition. British merchants who obtain the Royal permission upon the issue of the proclamation, to export a certain quantity of rice which they have already purchased, may do so irrespective of the prohibition to the contrary; but those merchants who do not obtain the Royal permission will not be allowed, when the prohibition takes effect, to export the rice they may already have purchased.

The prohibition shall be removed as soon as the cause of its being imposed shall have ceased to exist.

Paddy may be exported on payment of a duty of 2 ticals per koyan, or half the amount levied on rice.

ARTICLE 7.

On permission to import gold-leaf as bullion.

Under the 8th Article of the Treaty, bullion may be imported or exported free of charge. With reference to this clause, the said Royal Commissioners, at the request of Mr. Parkes, agree that foreign coins of every denomination, gold and silver in bars or ingots, and gold-leaf, may be imported free; but manufactured articles in gold and silver, plated-ware and diamonds or other precious stones must pay an import duty of three per cent.

ARTICLE 8

On the establishment of a Custom House

The said Royal Commissioners at the request of Mr Parkes, and in conformity with the intent of the 8th Article of the new Treaty agree to the immediate establishment of a Custom House under the superintendency of a high Government functionary, for the examination of all goods landed or shipped and the receipt of the import and export duties due thereon They further agree that the business of the Custom House shall be conducted under the regulations annexed to this agreement

ARTICLE 9

On the subsequent taxation of articles now free from duty

Mr Parkes agrees with the said Royal Commissioners that whenever the Siamese Government deem it to be beneficial for the country to impose a single tax or duty on any article not now subject to a public charge of any kind they are at liberty to do so, provided that the said tax be just and reasonable

ARTICLE 10

On the boundaries of the four-mile circuit

It is stipulated in the 4th Article of the Treaty that British subjects coming to reside at Bangkok may rent land and buy or build houses but cannot purchase lands within a circuit of 200 sen (not more than four miles English) from the city walls, until they shall have lived in Siam for ten years or shall obtain special authority from the Siamese Government to enable them to do so

The points to which this circuit extends due north south east and west of the city, and the spot where it crosses the river below Bangkok have accordingly been measured by officers on the part of the Siamese and English and their measurements having been examined and agreed to by the said Royal Commissioners and Mr Parkes, are marked by stone pillars placed at the under mentioned localities, *viz* —

On the North —One sen north of Wat Kemabherataram

On the East —Six sen and seven fathoms south west of Wat Bangkopi

On the South —About nineteen sen south of the village of Bangpakho

On the West —About two sen south west of the village of Bangphrom

The pillars marking the spot where the circuit line crosses the river below Bangkok are placed on the left bank three sen below the village of Bangmanau and on the right bank about one sen below the village of Banglampuluem

ARTICLE 11.

On the boundaries of the 24-hours' journey.

It is stipulated in the 4th Article of the Treaty that "excepting within the circuit of four miles", British merchants in Siam may at any time buy or rent houses, lands, or plantations, situated anywhere within a distance of twenty-four hours' journey from the city of Bangkok, to be computed by the rate at which boats of the country can travel.

The said Royal Commissioners and Mr. Parkes have consulted together on this subject, and have agreed that the boundary of the said twenty-four hours' journey shall be as follows:

1. *On the North.*—The Bhangputsa Canal, from its mouth on the Chow Phya River to the old City walls of Lobpary, and a straight line from Lobpary to the landing-place of Thra of Phrangam, near to the town of Saraburi, on the River Pasak.

2. *On the East.*—A straight line drawn from the landing-place of Thra Prangam to the junction of the Klongkut Canal with the Bangpakong River; the Bangpakong River from the junction of the Klongkut Canal to its mouth; and the coast from the mouth of the Bangpakong River to the Isle of Srimaharajah, to such distance inland as can be reached within twenty-four hours' journey from Bangkok.

3. *On the South.*—The Isle of Srimaharajah and the Islands of Sechange on the east side of the Gulf, and the City walls of Petchaburi on the west side.

4. *On the West.*—The Western Coast of the Gulf to the mouth of the Mecklong River to such a distance inland as can be reached within twenty-four hours' journey from Bangkok; the Mecklong River from its mouth to the City walls of Kagpury; a straight line from the City walls of Kagpury to the Town of Swbharnapury, and a straight line from the Town of Swbharnapury to the mouth of the Bangputsa Canal on the Chow Phya River.

ARTICLE 12.

On the incorporation in the Treaty of this Agreement.

The said Royal Commissioners agree, on the part of Siamese Government, to incorporate all the Articles of this Agreement in the Treaty concluded by the Siamese Plenipotentiaries and Sir John Bowring on the 18th April 1855, whenever this shall be desired by Her Britannic Majesty's Plenipotentiary.

In witness whereof the said Royal Commissioners and the said Harry Smith Parkes have sealed and signed this Agreement in duplicate, at Bangkok, on the thirteenth day of May, in the year one thousand eight hundred and fifty-six of the Christian era, corresponding to the ninth day of the waxing moon of the lunar

month of Wesakh in the year of the Quadruped Serpent being the year one thousand two hundred and eighteen of the Siamese astronomical era which is the nineteenth of Her Britannic Majesty s and sixth of the present Siamese Majesty s reigns

HIS ROYAL HIGHNESS KROM HLUANG WONGSA DHIRAJ SNIDH

HIS EXCELLENCY SOMDET CHAU PHYA PARAM MAHA BIJAI NEATE

HIS EXCELLENCY CHAU PHYA SRI SURIWONGSE SAMAHA PHRA KALAHOME

HIS EXCELLENCY CHAU PHYA PHRA KLANG

HIS EXCELLENCY CHAU PHYA YOM MORAT

HARRY S PARKES

Approved

JOHN BOWRING

Schedule of taxes on garden ground plantations and other lands

Section 1 —Trenched or raised lands planted with the following eight sorts of fruit trees are subject to the long assessment which is calculated on the trees grown on the land (and not on the land itself) and the amount to be collected annually by the proper officers and paid by them into the Royal Treasury is endorsed on the title deeds or official certificate of tenure

1 —Betel nut trees

First class (Makek) height of stem from 3 to 4 fathoms pay per tree	138 Cowries
Second class (Makto) height of stem from 5 to 6 fathoms pay per tree	128
Third class (Maktri) height of stem from 7 to 8 fathoms pay per tree	118
Fourth class (Makpakarai) trees just commencing to bear pay per tree	128
Fifth class (Maklek) height of stem from 1 sok and upwards to size of fourth class pay per tree	50

2 —Cocoa nut trees

Of all sizes from 1 sok and upwards in height of stem pay per three trees	1 Salung

3 —Siri vines

All sizes from 5 sok in height and upwards pay per tree or pole when trained on tunglang trees	200 Cowries

4.—Mango trees.

Stem of four kum in circumference, at the height of 3 sok from the ground, or from that size and upwards, pay per tree . . 1 Fuang.

5.—Maprang trees.

Are assessed at the same rate as mango trees.

6.—Durion trees.

Stem of 4 kam in circumference, at the height 3 sok from the ground, or from that size and upwards, pay per tree . . 1 Tical.

7.—Mangosteen trees.

Stem of 2 kam in circumference, at the height of 1 and a half sok from the ground, pay per tree . . . . . 1 Faung.

8.—Langsut trees.

Are assessed at the same rate as mangosteen.

Note.—The long assessment is made under ordinary circumstances once only in each reign, and plantations or lands having once been assessed at the above-mentioned rates, continue to pay the same annual sum, which is endorsed on the certificate of tenure (subject to the revisions granted in case of the destruction of the trees by drought or flood) until the next assessment is made, regardless of the new trees that may have been planted in the interval, or the old trees that may have died off. When the time for the new assessment arrives, a fresh account of the trees is taken, those that have died since the former one being omitted, and those that have been newly planted being inserted, provided they have attained the above-stated dimensions, otherwise they are free of charge.

Section 2.—Trenched or raised lands planted with the following eight sorts of fruit-trees are subject to an annual assessment, calculated on the trees grown on the lands, in the following manner, that is to say—

1.—Orange trees.

Five kinds (Som-kio-wan, Som-pluck-bang, Som-l'-eparot, Som-kao-Sungo), stem of six ngui in circumference close to the ground, or from that size and upwards, pay per 10 trees . . 1 Fuang.

All other kinds of orange trees of the same size as the above, pay per 15 trees . . . . 1 „

2.—Jack fruit trees.

Stem of 6 kam in circumference, at the height of 2 sok from the ground, or from that size and upwards, pay per 15 trees . 1 Fuang.

3.—Bread fruit trees.

Are assessed at the same rate as Jack fruit trees

4.—Mak fai trees

Stem of 4 kam in circumference, at the height of 2 sok from the ground, or from that size and upwards, pay per 12 trees — 1 Fuang.

5.—Guava trees

Stem of 2 kam in circumference at the height of 1 kub from the ground, or from that size and upwards, pay per 12 trees — 1 „

6.—Saton trees

Stem of six kam in circumference, at the height of 2 sok from the ground or from that size and upwards pay per 5 trees — 1 „

7.—Rombuton trees

Stem of four kam in circumference, at the height of 2 sok from the groupd, or from that size and upwards, pay per 5 trees — 1 „

8.—Pine apples

Pay per thousand plants . — 1 Salung 1 „

Section 3.—The following six kinds of fruit trees when planted in trenched or untrenched lands, or in any other manner than as plantations subject to the long assessment described in section 1, are assessed annually at the undermentioned rates —

Mangoes . . .	1 Fuang per tree
Tamarind . . .	1 „ „ 2 trees
Custard apples . .	1 „ , 20 ,
Plantains	1 , „ 50 roots
Siri vines (trained on poles)	1 „ „ 12 vines
Pepper vines	1 „ „ 12 ,

Section 4.—Trenched or raised lands planted with annuals of all sorts pay land tax of one salung and one fuang per rai for each crop

An annual fee of 3 salungs and 1 fuang is also charged by the Nairowang (or local Tax Collector) for each lot or holding of trenched land, for which an official title or certificate of tenure has been taken out

When held under the long assessment, and planted with the eight sorts of fruit trees described in section 1, the annual fee paid to the Nairowang for each lot or holding of trenched land, for which an official title or certificate of tenure has been taken out, is 2 salungs

Section 5.—Untrenched or low lands planted with annuals of all sorts pay a land tax of 1 salung and 1 fuang per rai for each crop.

No land tax is levied on those lands if left uncultivated.

Sixty cowries per tical are levied as expenses of testing the quality of the silver on all sums paid as taxes under the long assessment. Taxes paid under the annual assessment are exempted from this charge.

Lands having once paid a tax according to one or other of the abovementioned rates are entirely free from all other taxes or charges.

His Royal Highness Krom Hluang Wongsa Dhiraj Snidh.

His Excellency Somdet Chau Phya Param Maha Bijai Neate.

His Excellency Chau Phya Sri Suri-wongse Samaha Phra Kalahome.

His Excellency Chau Phya Phra Klang.

His Excellency Chau Phya Yom Morat.

Harry S. Parkes.

Approved.

John Bowring.

Custom House Regulations.

1. A Custom House is to be built at Bangkok, near to the anchorage, and officers must be in attendance there between 9 A.M. and 3 P.M. The business of the Custom House must be carried on between those hours. The tide-waiters required to superintend the landing or shipment of goods will remain in waiting for that purpose from day-light until dark.

2. Subordinate Custom House Officers shall be appointed to each ship: their number shall not be limited, and they may remain on board the vessel or in boats alongside. The Custom House Officers appointed to the vessels outside the bar will have the option of residing on board the ships, or of accompanying the cargo boats on their passage to and fro.

3. The landing, shipment, or transhipment, of goods may be carried on only between sun-rise and sun-set.

4. All cargoes landed or shipped shall be examined and passed by the Custom House Officers within twelve hours of day-light after the receipt, at the Custom House, of the proper application. The manner in which such application and examination is to be made shall be settled by the Consul and the Superintendent of Customs.

5. Duties may be paid by British merchants in ticals, foreign coin, or bullion, the relative values of which will be settled by the Consul and the proper Siamese

officers The Siamese will appoint whomsoever they may please to receive payment of the duties

6 The receiver of duties may take from the merchants 2 salungs per catty of 80 ticals for testing the money paid to him as duties, and for each stamped receipt given by him for duties he may charge 6 salungs

7 Both the Superintendent of Customs and the British Consul shall be provided with sealed sets of balance yards money weights and measures, which may be referred to in the event of any difference arising with the merchants as to the weight or dimension of money or goods

His Royal Highness Krom Hluang Wongsa Dhiraj Snidh

His Excellency Somdet Chan Phya Param Maha Bijai Neate

His Excellency Chan Phya Sri Suri wongse Samaha Phra Kalahome

His Excellency Chan Phya Phra Klang

His Excellency Chan Phya Yom Morat

Harry S Parkes

Approved

John Bowring

No VI

1868.

Lieutenant Arthur Herbert Bagge, Royal Engineers, Her Britannic Majesty's Commissioner with powers from His Excellency the Right Honourable Sir John Lawrence, Viceroy and Governor General of India on the one part Chow Phya Sri Suri Wongse the Samnha Phra Kalahome Prime Minister President of the Western and South-Western Provinces, and Chow Phya Phuttaraphai, the Samnha Na Yoke President of the Northern and North Western Provinces, with full powers from His Majesty the King of Siam, on the other part have unanimously agreed to this Convention regarding the boundaries on the Mainland between the Kingdom of Siam and the British Province of Tenasserim, to wit

On the north the channel of the River "Maymuey" (Siamese) or "Thoung yeng (Burmese) up to its source in the ' Pa Wau ' range of mountains, the eastern or right bank of the said river being regarded as Siamese territory, and the western or left bank being regarded as English territory Then along the "Pa Wau"

range to the main water-shed, and along it to "Khow Kra dook moo" or "Mooga-dok Toung" in the province of "Thee tha Wat." Here the boundary line crosses the valleys of the "Houng drau" and "Maygathat" Rivers in almost a straight line, and meets the main water-shed near the common source of the "Pha be sa" and "Krata" River. From this point it runs down the central range of mountains which forms the main watershed of the Peninsula as far as "Khow Htam Dayn" in the district of Chumpon, thence along the range known as "Khow Dayn Yai" as far as the source of the "Kra-na-ey" stream, which it follows to its junction with the Pakchan, thence down the Pakchan River to its mouth; the west or right bank belonging to the British, the eastern or left bank belonging to the Siamese.

With regard to the islands in the River Pakchan, those nearest to the English bank are to belong to the English and those nearest to the Siamese bank are to belong to the Siamese, excepting the island of "Kwan" off Maleewan, which is Siamese property.

The whole of the western bank of the River Pakchan down to Victoria Point shall belong to the British, and the eastern bank throughout shall belong to Siam.

This Agreement, written both in Siamese and English, shall fix the boundary line between the Kingdom of Siam and the British Province of Tenasserim for ever.

A Tabular Statement is attached to this Agreement, in which the various boundary marks in the valleys and along the mountain ranges are specified, together with their geographical positions.

Within the term of six months from the date of this Agreement, Her Britannic Majesty's Commissioner shall forward two maps which shall be compared with the present map now signed and sealed, showing the boundary in a "red line." Should the two maps be found correct, the British and Siamese Governments shall ratify the same.

Signed and sealed by the respective Commissioners at Bangkok on Saturday, the fifteenth day of the waxing moon, the year of Rabbit, the 9th of the Decade Siamese Civil Era 1229, corresponding with the eighth day of February 1868 of the Christian Era.

ARTHUR H. BAGGE, *Lieut, R.E.*

C. PHYA SRI SURI WONGSE.

CHOW PHYA PHUTTARAPHAI.

TABULAR STATEMENT

OF

BOUNDARY MARKS.

range to the main watershed, and along it to "Khow Kra dook moo" or "Mooga-dok Toung" in the province of "Thee tha Wat." Here the boundary line crosses the valleys of the "Houng drau" and "Maygathat" Rivers in almost a straight line, and meets the main watershed near the common source of the "Pha be sa" and "Krata" Rivers. From this point it runs down the central range of mountains which forms the main watershed of the Peninsula as far as "Khow Htam Dayn" in the district of Chumpon, thence along the range known as "Khow Dayn Yai" as far as the source of the "Kra-na-ey" stream, which it follows to its junction with the Pakchan; thence down the Pakchan River to its mouth; the west or right bank belonging to the British, the eastern or left bank belonging to the Siamese.

With regard to the islands in the River Pakchan, those nearest to the English bank are to belong to the English and those nearest to the Siamese bank are to belong to the Siamese, excepting the island of "Kwan" off Maleewan, which is Siamese property.

The whole of the western bank of the River Pakchan down to Victoria Point shall belong to the British, and the eastern bank throughout shall belong to Siam.

This Agreement, written both in Siamese and English, shall fix the boundary line between the Kingdom of Siam and the British Province of Tenasserim for ever.

A Tabular Statement is attached to this Agreement, in which the various boundary marks in the valleys and along the mountain ranges are specified, together with their geographical positions.

Within the term of six months from the date of this Agreement, Her Britannic Majesty's Commissioner shall forward two maps which shall be compared with the present map now signed and sealed, showing the boundary in a "red line." Should the two maps be found correct, the British and Siamese Governments shall ratify the same.

Signed and sealed by the respective Commissioners at Bangkok on Saturday, the fifteenth day of the waxing moon, the year of Rabbit, the 9th of the Decade Siamese Civil Era 1229, corresponding with the eighth day of February 1868 of the Christian Era.

ARTHUR H. BAGGE, *Lieut, R.E.*

C. PHYA SRI SURI WONGSE.

CHOW PHYA PHUTTARAPHAI.

TABULAR STATEMENT

OF

BOUNDARY MARKS.

Boundary Marks.	Geographical Position.		Contiguous Districts.	
	Lat. N.	Long. E.	British.	Siamese.
	° ′ ″	° ′ ″		
Watershed of the Pawau Kyau .	16 27 47	98 50 50	Toungyeng .	Yaheing (B.) or Rahayng (S.)
Main watershed . . .	16 20 0	98 53 10	Ditto . .	May ka loung (B.) or May Klaung (S.)
Ditto . . .	16 9 5	98 48 20	Ditto . .	Ditto . .
Ditto . . .	16 9 5	98 46 10	Ditto . .	Ditto . .
"Moo la a" Toung . . .	16 5 45	98 42 3	Ditto . .	Ditto . .
Main watershed . . .	16 4 25	98 39 50	Houng drau .	Ditto . .
"Moogadok" Toung . .	15 53 56	98 38 42	Ditto . .	May-ka-loung Thee tha wat.
Phankalan Dg. . . .	15 49 30	98 36 45	Ditto . .	Thee tha wat .
Hteeman Dg.	15 46 35	98 36 25	Ditto . .	Ditto . .
Cairns on the Houng drau river .	15 41 19	98 35 0	Houng drau, Attaran.	Ditto . .
Hsa lan gyan Tg. . . .	15 38 20	98 36 10	Attaran .	On the left bank near the mouth of the Taylay River.
Hleing wa soo Tg. . . .	15 30 15	98 36 30		
Khondan Tg.	15 33 50	98 36 35		
Hton ban Tg.	15 29 7	98 37 8		
Peing tha noo Tg. . . .	15 27 20	98 37 28	Ditto . .	Thee tha wat .

Rivers rising on both sides			Descriptive Remarks
Tenasserim	Siam		
Waleo Kyoung the recognized source of the Thoungyeng or Maymuey	May la maung af fluent of the Thoungyeng	Not on the main water shed.	The mutual source of these rivers is about two m les along the spur whi h dra ns itself into the May la maung and Thoungyeng
Phaupee	Proung ta goung kah	Along the ma n water shed	The Phaupee is called the Onkok lower down
Wa Pa Ghay Htee Klee thoo	Klaung No pa do	Ditto	The Wa Pa Ghay and Htee Klee thoo are small streams at the source of tl e Onkerean the Poo pa is larger
Poo pa	Py nyo	Ditto	The Karen village Patan is situated near its source The principal confluents at the head waters of the Thoung yeng are (1) Walec (2) Onkok (3) Onkerean, (4) Oukra (5) May goola
Head Waters of the Oukra	Poi t o roo Htee Klee pleu Ket tonee Kleutau	D tto	The Mee Gwee and the Mayta la fall into the Houng drau the streams on the Siam s de fall into the May ka loung
May goola Mee Gwee	Maysau	Ditto	
Ma ta la	Confluents of the Maysau	D tto	
		Cross ng the Houng drau valley	H lls on spurs of those names jut ting out from the Moogadok range
		D tto	
		D tto	On the left bank near the mouth of the Taylay River
		D tto	Limestone rocks
		D tto	Round hill on high tablelands of the Pantoonan Kyan

Rivers rising on both sides			Descriptive Remark
Tena serim	S am		
		Crossing the Pant o nan range and the Maygathat valley	
Pha be sa	Krata	Al ng the main water shed	The Maygathat re eives the stream on tle Tenasserim side Tle K o Yay and En l in toung Khyoung fall into tle Tharawa a confluent of the Th ung Kalay wl i h re eives d rect the Byata ma leing and Sakaywau
Tee ko tha Teemay oung	Koo yay End n toung Kh youn	Ditto	
Kron wa galay	Bya ta male ng	Ditto	
Krou wa gyee	Sakay wau	Ditto	
		Ditto	These are three large heaps of stones ab ut 8 feet high s me 20 feet apart n one line bearing 0 north ea t The stones are rr gular block foun l near tle s ot at the base of the lim st ne r lge called Phya thou soo Toung
Head affluents of the Krontau	Kayat t en Kg an l ea t branch of tle Khan Karau	D tto	Tle Kr ntau falls int the l an e branch f the Attaran Ri r
Sad ik Kyoung an l the south branch of the Krontau	Khai Karau	D tt	The Khan Karau is c nsi lered the orth sour e f the Htai Pha Ket
Th t yuet Kg a small tr b tary of the Yay River	Kha deing than an affluent f the Htai Pha Ket	D tto	Th s h ll derive its nan e from three pag la l ko st ne h aps at it easteri ba e
Mai i s ur e of the Yay Piver als that of tle Kl an a c nfli ent of the Kaloa oung	Ma i source of tle Hta Pha Ket call l Wee ka nau and Ky ik nee	Ditto	Tle Kal an ung is an ther na f r the lea l f the Tavoy l ver lere n f rmer lays tlere was a c ty f that na e
Source of the Ma yan Kg	Source of the Lee I ul Kg	D tto	Tle Mayan Kl your is a large nortl er afflue t f the Zengba which with the Keal an oung f rms the main sour e of th Tavoy River

Boundary Marks.	Geographical Position.		Contiguous Districts.	
	Lat. N.	Long. E.	British.	Siamese.
	° ′ ″	° ′ ″		
Heeng byoo Doung . . .	14 13 57	98 21 28	Myit-ta . .	Don ka pon }
Kap theran Doung . . .	14 12 15	98 22 15	Ditto . .	Ditto . }
Zengha Doung	14 38 20	98 26 50	Ditto . .	Don ka pon Den Yeik.
"Hlan" Doung . . .	14 26 52?	98 32 0	Ditto . .	Den Yeik .
Nat yay Doung (B) . . } Ten Kyeik (T) . . . } Tok Kyay (K) . . . }	14 22 47	98 33 0	Myit-ty . .	Ditto . .
"Sroonkhet" Doung . .	14 0 0	99 1 0	Ditto . .	Den Yeik Kanboree.
"Amya Doung" . . .	13 50 7	99 5 5	Ditto . .	Ditto . .
Main watershed . . .	13 41 35	99 7 10	Ditto . .	"Ratbooree" .
Ditto	13 37 45	99 8 40	Ditto . .	Ditto . .
Ditto . . .	13 19 47	99 10 27	Ditto . .	Ditto . .
Ditto	13 0 0	99 11 30	Morgui district .	Ratbooree Phayt Cha-boo-zee.

Pivers rising on both sides			Descriptive Pemarks
Tenassenm.	Siam		
Affluents of the Zengba	Affluents of the Beelouk	Along the mai i water shed	A pass leads through these two hills generallv called the Hseng byoo doung Pa s The Lee l uk falls into the Htai Pha Ket
Zengba Kg Kha moung Thway	Kron ka broo source of the Kasama	Ditto	The Kron ka broo and Kasa ma Rivers fall nto the Beelouk The Kha moung Thway is the *north confluent of the Tenasserim* River
Kronta a tributary of the Khamoung Thway	Source of the May nam Nauey	Ditto	The May nam Nauey falls into the Htai Pha Ket at Den Yiek
Khamoat Kg hya pata also called Ngayan nee	South source of the Maynam Nauey Htee Man Koung source of the Maynam Ran	Ditto	In former days the pas crossed the watershed by this h ll and was called the Hat yay doung Pass though the route has been changed t st ll retains the name
Hseng byoo deing Kanaywala af fluents of the Tenasserim River	Poungdee Lou thon affluents of the Htai Pha Ket	Ditto	
Amya Khyoung	Kron padee	Ditto	Pass from Ban Wangmenk ho Amya a village in the Tenasserim River
Ba yet kha	Hwey Naung ta ma	D tto	The east drainage i e on the Siam side falls into the Mayphra chee which forms the main drainage line of the Pat booree District and empt es itself into the Htai Pha Ket
Hta pa ngay the source of the Mayhteng	Hwey N a m Kayo the source of the Bandee book.	Ditto	
Source of the May Phya or May phra	*Phoo la kan*	*D tto*	
Mooloo Banloo	Sources of the May phra chee and the Khla ung Phayt	Ditto	All the rivers on the west side fall into the Great Tenasserim Piver Khlaung Phayt is the short name for the *Phayt* Cha boo ree Piver

Boundary Marks.	Geographical Position.		Contiguous Districts.	
	Lat. N.	Long. E.	British.	Siamese.
	° ′ ″	° ′ ″		
Main watershed . . .	12 47 0	99 15 10	Mergui district .	"Phayt Cha-booree," Menang Pran.
"Khow Htay-wada" . .	12 18 7	99 23 10	Ditto .	Menang Pran, Menang Kooiy.
Main watershed . . .	11 54 50	99 34 25	Ditto .	Menang Kooiy .
"Khow Maun" or "Mandoung"	11 47 28	99 37 8	Ditto .	Ditto .
Main watershed . . .	11 39 55	99 31 35	Ditto .	Bang-ta-phang .
Ditto	11 23 15	99 22 45	Ditto .	Ditto .
Ditto	11 17 0	99 19 50	Ditto .	Ditto .
Khow Phra	11 12 0	99 16 30	Ditto .	Meng-ang Bang-ta-phang.
Khow Htam Placy Lamay. .	10 57 7	99 7 20	Ditto .	Mewong Pahtee, O.

Rivers rising on both sides			Descriptive Remarks
Tenasserim	Siam		
Hteo Pho Maee lan	Khlaung May la leen also the source of the Pran river	Along the main water shed	The Sarawa River falls into the Great Tenasserim The Khlaung Pran and the Khlaung Kooiy are main drainage lines which empty themselves into the Gulf of Siam
Kyon Yai tributary of the Taket south source of the Sarawa River	Khlaung Phrayk Kooiy	Ditto	The Khlaung Phrayk Kooiy is a principal confluent of the Pran River
	Phrayk Keeyun durin	Ditto	The Phrayk Keeyun durin is the north source of the Kooiy River
Maynam an affluent of the Thean Khwon	Phrayk ton ka ta south source of the Kooiy River	Ditto	The Nga Won and Thean Khwon Rivers unite to form what is generally called the little Tenasserim River which falls into the Great Tenasserim at that town which gives the name to the provinces
Source of the Thean Khwon	Khlaung Yai	Ditto	
Khlaung Chan Khow south affluent of the Thean Khwon	Source of the Khlaung Chakkra	Ditto	The Khlaung Yai Khlaung Chakkra Khlaung Kroot Khlaung Bang ta phang Yai Khlaung Bang ta phang naney and the Khlaung Hta Say are six large streams which collect the eastern drainage and discharge themselves into the Gulf of Siam
Khlaung Pawaey affluent of the Nga won	Hwey kanyang tributary of the Khlaung Kroot and source of the Bang ta phang Yai	Ditto	
Khlaung Phalen ang affluent of the Nga won	Khlaung Luary affluent of the Bang ta phang Yai	Ditto	
		Ditto	
A source of east branch of the Laynay River called Khlaung Khoow boon	Khlaung Sanay Khlaung Ka ni yoo an affluent of the Khlaung Hta Say	Ditto	The streams on the Siam side fall into the Khlaung Hta Say which is also called Khlaung Chout phaun as it flows by that town.

Boundary Marks.	Geographical Position.		Contiguous Districts.	
	Lat. N.	Long. E.	British.	Siamese.
	° ′ ″	° ′ ″		
Main watershed . . .	10 54 25	99 4 30	Mergui district .	"Meang Choom phaun".
Khow Htam Dayng . . .	10 47 27	98 56 35	Ditto .	Meuang Choom-phaun and Meuang Kra.
Watershed on the "Khow Dayan Yai," the final mark of the eastern boundary.	10 48 14	98 55 40	Mergui district. Laynya Maleewan.	Kra . .

Rivers rising on both sides			Descriptive Remarks
Tenasserim	Siam		
Main source of Khlaung Khowboon eastern sources of the west branch of the Laynya River	Khlaung Tangannauey Khlaung Phạ ree Khlaung Nam Dayng	Along the main water shed.	
Main source of the West Laynya River	Hwey Kalong at the head of the Rapran.	Ditto	
Head affluent of the main source of the West Laynya River	Source of the Pakchan called Khlaung Kanai	Ditto	

From the VICEROY and GOVERNOR-GENERAL to the KING of SIAM.

AFTER TITLES

I have received your Majesty's gratifying letter on the subject of the settlement of the boundary line between the Kingdom of Siam and the British province of Tenasserim.

Lieutenant Arthur Herbert Bagge of the Royal Engineers, whom I had deputed as my Commissioner to demarcate the boundary, has also informed me of the satisfactory conclusion of this matter. He reports that there is now only one point remaining for adjustment between the two Governments, *viz.*, the sovereignty of certain islands off the mouth of the Pakchan river.

There are altogether five islands or groups of islands situated there, *viz.*, the island of Victoria, Saddle, Delisle, St. Matthew, and the Bird's-nest group.

Your Majesty's Government make no claim regarding St. Matthew and the Bird's-nest group. Regarding the three other islands, I am inclined to view the following as the best solution of the matter, *viz.*, that the island of Victoria, which is nearer to the British than the Siamese Coast, should belong to the British Government, and that the two other islands, Saddle and Delisle, shall be considered part of your Majesty's territories. I have to invite your Majesty's friendly consideration to this proposed method of solving the only question remaining unadjusted. Feeling confident that its reasonableness will commend itself to your Majesty's judgment, I have affixed my seal and signature to the map prepared by Lieutenant Arthur Herbert Bagge, in which the islands are divided in the manner above proposed; and I have directed the Secretary of my Government in the Foreign Department to forward to your Majesty's Ministers the above map, with a duplicate, to which I have the honor to request that your Majesty will affix your Royal seal and signature, and will then direct its return to the Consul of Her Majesty the Queen of Great Britain and Ireland at Bangkok.

The 30th April 1868. JOHN LAWRENCE.

Be it known and made manifest unto all men that we, Chow Phya Sri Suri Wongse Thi Samuha Phra Kalahome, and Chow Phya Phu Tharaphai Thi Samuha Na Yok, on behalf of His Majesty the King of Siam, and Henry Alabaster, Esq., Her Britannic Majesty's Acting Consul for the Kingdom of Siam, on behalf of Her Britannic Majesty's Government, have on this third day of July in the year 1868 of the Christian era, at Bangkok in the Kingdom of Siam, exchanged maps which we have carefully compared and examined and found to be *fascimiles* the one of the other, the one map bearing the seal of His Majesty the King of Siam, and the other that of His Excellency Sir John Laird Mair Lawrence, Viceroy and Governor-General of India, and each of them showing the boundary line as finally

agreed upon between the dominions of His Majesty the King of Siam and British Tenasserim

In witness whereof we have hereunto subscribed our names and affixed our seals of Office at Bangkok aforesaid on this third day of July in the year 1868 of the Christian era

CHOW PHYA SRI SURI WONGSE

CHOW PHYA PHU THARAPHAI

No VII

1874

Whereas the GOVERNMENT of INDIA and the SIAMESE GOVERNMENT desire to conclude a TREATY for the purpose of promoting COMMERCIAL INTERCOURSE between BRITISH BURMAH and the adjoining territories of CHIANGMAI LAKON and LAMPOONCHI belonging to SIAM and of preventing DACOITY and other HEINOUS CRIMES in the territories aforesaid The high contracting parties have for this purpose named and appointed their PLENIPOTENTIARIES that is to say His EXCELLENCY the RIGHT HONOURABLE THOMAS GEORGE BARING BARON NORTHBROOK of STRATTON and a BARONET MEMBER of the PRIVY COUNCIL of HER MOST GRACIOUS MAJESTY the QUEEN of GREAT BRITAIN and IRELAND GRAND MASTER of the MOST EXALTED ORDER of the STAR of INDIA VICEROY and GOVERNOR GENERAL of INDIA in COUNCIL has on his part named and appointed CHARLES UMPHERSTON AITCHISON ESQ COMPANION of the MOST EXALTED ORDER of the STAR of INDIA And HIS MAJESTY SOMDETCH PHRA PARAMINDR MAHA CHULALONG KORN BODINDTHONG DEPAYA MAHA MONGKUT PURISAYA RATORE RAYARE WIWONGSE VARUTMA WONGSE PRIBAT WARAKATTRYA RAJA NIKRADOM CHADURANTA PAROM MAHA CHAKRABANTIARAY SANGKAT POROMDHAM MIK MAHARAJA DHIRAY POROMNAT POBIT PHRA CHULA CHOM KLAW CHOW YUHUA SUPREME KING of SIAM fifth of the present Royal Dynasty who founded the Great City of Bangkok AMARATNE KOSINDR MOHINDR AYUTHIA has on his part named and appointed PHYA CHARON RAJA MAITRI CHIEF JUDGE of the FOREIGN COURT FIRST MINISTER PLENIPOTENTIARY PHYA SAMUD PURANURAK GOVERNOR of the DISTRICT of SAMUDR PRAKAR SECOND MINISTER PLENIPOTENTIARY and PHRA MAHA MUNTRI SRIONGRAK SAMUHA CHIEF of the DEPARTMENT of the ROYAL BODY GUARD of the RIGHT ADVISER and EDWARD FOWLE ESQ, LUANG SIAMANUKROH CONSUL for SIAM at RANGOON ADVISER and the aforesaid PLENIPOTENTIARIES having communicated to each other their re

spective full powers and found them to be in good and due form have agreed upon and concluded the following Articles :—

ARTICLE 1.

His Majesty the King of Siam will cause the Prince of Chiangmai to establish and maintain Guard Stations under proper officers on the Siamese bank of the Salween river, which forms the boundary of Chiangmai, belonging to Siam, and to maintain a sufficient police force for the prevention of murder, robbery, dacoity, and other heinous crimes.

ARTICLE 2.

If any persons, having committed dacoity in any of the territories of Chiangmai, Lakon, and Lampoonchi, cross the frontier into British territory, the British authorities and police shall use their best endeavours to apprehend them. Such dacoits when apprehended shall, if Siamese subjects, be delivered over to the Siamese authorities at Chiangmai ; if British subjects, they shall be dealt with by the British officer in the Yoonzaleen District.

If any persons, having committed dacoity in British territory, cross the frontier into Chiangmai, Lakon, or Lampoonchi, the Siamese authorities and police shall use their best endeavours to apprehend them. Such dacoits when apprehended shall, if British subjects, be delivered over to the British officer in the Yoonzaleen District ; if Siamese subjects, they shall be dealt with by the Siamese authorities at Chiangmai.

If any persons, whether provided with passports under Article 4 of this Treaty or not, commit dacoity in British or Siamese territory and are apprehended in the territory in which the dacoity was committed, they may be tried and punished by the local courts without question as to their nationality.

Property plundered by dacoits, when recovered by the authorities on either side of the frontier, shall be delivered to its proper owners.

ARTICLE 3.

The Siamese authorities in Chiangmai, Lakon, and Lampoonchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories, and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiangmai, Lakon, and Lampoonchi carrying on trade or business in British territory.

ARTICLE 4.

British subjects entering Chiangmai, Lakon, and Lampoonchi from British Burmah must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in this behalf, stating their names, calling, and description. Such passports must be renewed for each journey and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiangmai, Lakon, and Lampoonchi on demand. Persons provided with pass-

ports and not carrying any articles prohibited under the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the eighteenth April one thousand eight hundred and fifty five, and the supplementary agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the thirteenth May one thousand eight hundred and fifty six shall be allowed to proceed on their journey without interference, persons unprovided with passports may be turned back to the frontier, but shall not be subjected to further interference

ARTICLE 5

For the purpose of settling future disputes of a civil nature between British and Siamese subjects in Chiangmai, Lakon, and Lampoonchi, belonging to Siam the following provisions are agreed to —

(a)—His Majesty the King of Siam shall appoint proper persons to be Judges in Chiangmai with jurisdiction (1) to investigate and decide claims of British subjects against Siamese subjects in Chiangmai, Lakon, and Lampoonchi (2) to investigate and determine claims of Siamese subjects against British subjects entering Chiangmai, Lakon and Lampoonchi from British Burmah and having passports under Article 4, provided such British subjects consent to the jurisdiction of the Court,

(b)—Claims of Siamese subjects against British subjects entering Chiangmai Lakon, and Lampoonchi from British Burmah and holding passports under Article 4 but not consenting to the jurisdiction of the Judges at Chiangmai appointed as aforesaid, shall be investigated and decided by the British Consul at Bangkok, or the British officer of the Yoonzaleen District,

(c)—Claims of Siamese subjects against British subjects entering Chiangmai Lakon, and Lampoonchi from British Burmah but not holding passports under Article 4, shall be investigated and decided by the ordinary local courts

ARTICLE 6

Siamese subjects in British Burmah having claims against each other may apply to the Deputy Commissioner of the district in which they may happen to be to arbitrate between them Such Deputy Commissioner shall use his good offices to effect an amicable settlement of the dispute and if both parties have agreed to his arbitration, his award shall be final and binding on them Similarly British subjects in Chiangmai Lakon, and Lampoonchi having claims against each other may apply to any of the Judges at Chiangmai appointed under Article 5, who shall use his good offices to effect an amicable settlement of the dispute, and if both parties have agreed to his arbitration his award shall be final and binding on them

ARTICLE 7

Native Indian subjects of Her Britannic Majesty entering Chiangmai, Lakon and Lampoonchi from British Burmah, who are not provided with passports under

Article 4, shall be liable to the local courts and the local law for offences committed by them in Siamese territories. Native Indian subjects as aforesaid, who are provided with passports under Article 4, shall be dealt with for such offences by the British Consul at Bangkok, or by the British officer in the Yoonzaleen District, according to British law.

ARTICLE 8.

The Siamese authorities in Chiangmai, Lakon, and Lampoonchi, and the British authorities in the Yoonzaleen District, will at all times use their best endeavours to procure and furnish to the Courts in the Yoonzaleen District and the Consular Court at Bangkok and to the Court at Chiangmai respectively such evidence and witnesses as may be required for the determination of civil and criminal cases pending in these Courts.

ARTICLE 9.

In cases tried by the British officer of the Yoonzaleen District, or by the Judges at Chiangmai appointed under Article 5, in which Siamese or British subjects may respectively be interested, the Siamese or British authorities may respectively depute an officer to attend and listen to the investigation of the case, and copies of the proceedings will be furnished gratis to the Siamese or British authorities respectively if required.

ARTICLE 10.

British subjects provided with passports under Article 4, who desire to purchase, cut, or girdle timber in the forests of Chiangmai, Lakon, and Lampoonchi, must enter into written agreement for a definite period with the owner of the forest. Such agreement must be executed in duplicate, each party retaining a copy and each copy must be sealed by one of the Siamese Judges at Chiangmai appointed under Article 5, and by the Prince of Chiangmai. A copy of every such agreement shall be furnished by the Judge at Chiangmai to the British officer in the Yoonzaleen District. Any British subject cutting or girdling trees in any forest without the consent of the owner of the forest obtained as aforesaid, or after the expiry of the agreement relating thereto, shall, if provided, with a passport, be liable to pay such compensation to the owner of the forest as the British Consul at Bangkok or the officer of the Yoonzaleen District may deem reasonable; if unprovided with a passport, he may be dealt with by the local courts according to the law of the country.

ARTICLE 11.

The Judges at Chiangmai appointed under Article 5, and the Prince of Chiangmai, shall endeavour to prevent owners of forests from executing agreements with more than one party for the same timber or forest, and to prevent any person from improperly marking or effacing the marks on timber which has been lawfully cut or marked by another person, and shall give such facilities as are in their power to purchasers and fellers of timber to identify their property. If the owners of forests prohibit the cutting, girdling, or removing of timber under agreements

duly executed in accordance with Article 10, the Judges at Chiangmai appointed under Article 5, and the Prince of Chiangmai, shall enforce the agreements, and the owners of such forests acting as aforesaid shall be liable to pay such compensation to the persons with whom they have entered into such agreements as the Judges at Chiangmai appointed as aforesaid may deem reasonable

ARTICLE 12

British subjects entering Siamese territory from British Burmah must, according to custom and the regulations of the country, pay the duties lawfully prescribed on goods liable to such duty

Siamese subjects entering British territory must, according to the regulations of the British Government, pay the duties lawfully prescribed on goods liable to such duty

ARTICLE 13

The British officer of the Yoonzaleen District may subject to the conditions *of this Treaty exercise all or any of the powers that may be exercised by a British* Consul under the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the eighteenth April one thousand eight hundred and fifty five and the supplementary Agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the thirteenth May one thousand eight hundred and fifty six

ARTICLE 14

Except as and to the extent herein specially provided nothing in this Treaty shall be taken to affect the provisions of any Treaty or other agreement now in force between the British and Siamese Governments

ARTICLE 15

After the lapse of seven years from the date on which this Treaty shall come into force and on twelve months notice given by either party this Treaty shall be subject to revision by commissioners appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments as experience shall prove to be desirable

ARTICLE 16

This Treaty has been executed in English and Siamese, both versions having the same meaning, but as the British Plenipotentiary has no knowledge of the Siamese language, it is hereby agreed that in the event of any question of construction arising on this Treaty, the English text shall be accepted as conveying in every respect its true meaning and intention

ARTICLE 17

The ratification of this Treaty by His Excellency the Viceroy and Governor-General of India having been communicated to the Siamese Plenipotentiaries

this Treaty shall be ratified by His Majesty the King of Siam, and such ratification shall be transmitted to the Secretary to the Government of India in the Foreign Department at Calcutta within four months or sooner if possible.

The Treaty having been so ratified shall come into force on the first January one thousand eight hundred and seventy-five Anno Domini, corresponding with the first day of the third Siamese moon in the year of Choh one thousand two hundred and thirty-six of the Siamese era, or on such earlier date as may be separately agreed upon.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in English and Siamese, the present Treaty and have affixed thereto their respective Seals.

Done at Calcutta this fourteenth day of January in the year one thousand eight hundred and seventy-four of the Christian era, corresponding to the twelfth day of the second month of the twelfth waning moon of the year of Raka one thousand two hundred and thirty-five of the Siamese era.

Signature of first Siamese Envoy. *Signature of second Siamese Envoy.*

C. U. AITCHISON,
Plenipotentiary on behalf of the Viceroy and Governor-General of India.

No. VIII.

TREATY between HER MAJESTY and HIS MAJESTY the KING of SIAM for the Prevention of Crime in the Territories of CHIANGMAI, LAKON, and LAMPOONCHI, and for the Promotion of Commerce between BRITISH BURMAH and the Territories aforesaid.

SIGNED AT BANGKOK, 3RD SEPTEMBER 1883.

[*Ratifications exchanged 7th May 1884.*]

Whereas the relations of Peace, Commerce, and Friendship happily subsisting between Great Britain and Siam are regulated by a Treaty bearing date the 18th April 1855, and a Supplementary Agreement dated 13th May 1856 ; and, as regards the territories of Chiangmai, Lakon, and Lampoonchi, by a special Treaty between the Government of India and the Government of His Majesty the King of Siam, bearing date the 14th January 1874 ;

And whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the King of Siam, Sovereign of Laos, Malays, Kareans, etc., etc., etc., with a view to the more effectual preven-

tion of crime in the territories of Chiangmai, Lakon, and Lampoonchi, belonging to Siam, and to the promotion of commercial intercourse between British Burmah and the territories aforesaid have agreed to abrogate the said Treaty Special concluded on the 14th January 1874, and to substitute therefor a new Treaty and have named their respective Plenipotentiaries for this purpose, that is to say—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India William Henry Newman, Esq, Her Majesty's Acting Agent and Consul General in Siam

And His Majesty the King of Siam Sovereign of Laos, Malays, Kareans etc, His Excellency Chow Pyha Bhanwongse Maha Kosa Thibodi, Grand Cross of the Most Hon ble Order of the Crown of Siam Grand Cross of the Most Noble Order of the Chula Chom Klao Grand Officer of the Most Exalted Order of the White Elephant, Member of the Privy Council, Minister for Foreign Affairs Phya Charon Raj Maitri Grand Officer of the Most Exalted Order of the White Elephant Knight Commander of the Most Noble Order of the Chula Chom Klao Member of the Privy Council, Chief Judge of the International Court and Phya Thep Prachun Grand Cross of the Most Hon ble Order of the Crown of Siam Knight Commander of the Most Noble Order of the Chula Chom Klao, Grand Officer of the Most Exalted Order of the White Elephant Member of the Privy Council, Under Secretary of State of the War Department

The said Plenipotentiaries, after having communicated to each other their respective full powers found in good and due form have agreed upon and concluded the following Articles —

ARTICLE 1

The Treaty between the Government of India and the Government of His Majesty the King of Siam, bearing date the 14th January 1874 shall be and is hereby abrogated

ARTICLE 2

The Siamese authorities in Chiangmai, Lakon, and Lampoonchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories, and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiangmai, Lakon, and Lampoonchi carrying on trade or business in the British territory

ARTICLE 3

British subjects entering Chiangmai, Lakon, and Lampoonchi must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in this behalf, stating their names, calling, and the weapons they carry, and description Such passports must be renewed for each journey and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiangmai Lakon, and Lampoonchi on demand Persons provided with passports and not carrying any articles prohibited under the Treaty of the 18th April 1855, or the Supplementary Agreement of the 13th May 1856, shall be allowed to proceed on their journey without interference, persons unprovid d

this Treaty shall be ratified by His Majesty the King of Siam, and such ratification shall be transmitted to the Secretary to the Government of India in the Foreign Department at Calcutta within four months or sooner if possible.

The Treaty having been so ratified shall come into force on the first January one thousand eight hundred and seventy-five Anno Domini, corresponding with the first day of the third Siamese moon in the year of Choh one thousand two hundred and thirty-six of the Siamese era, or on such earlier date as may be separately agreed upon.

In witness whereof the respective Plenipotentiaries have signed in duplicate, in English and Siamese, the present Treaty and have affixed thereto their respective Seals.

Done at Calcutta this fourteenth day of January in the year one thousand eight hundred and seventy-four of the Christian era, corresponding to the twelfth day of the second month of the twelfth waning moon of the year of Raka one thousand two hundred and thirty-five of the Siamese era.

Signature of first Siamese Envoy. *Signature of second Siamese Envoy.*

C. U. AITCHISON,
Plenipotentiary on behalf of the Viceroy and Governor-General of India.

No. VIII.

TREATY between HER MAJESTY and HIS MAJESTY the KING of SIAM for the [pre]vention of Crime in the Territories of CHIANGMAI, LAKON, and LAMPO[ONCHI] and for the Promotion of Commerce between BRITISH BURMAH a[nd the] Territories aforesaid.

SIGNED AT BANGKOK, 3RD SEPTEMBER 1883.

[*Ratifications exchanged 7th May 1884.*]

Whereas the relations of Peace, Commerce, and Friendship happily [subsist] between Great Britain and Siam are regulated by a Treaty bearing da[te ...] April 1855, and a Supplementary Agreement dated 13th May 1856; an[d ...] the territories of Chiangmai, Lakon, and Lampoonchi, by a special Tr[eaty ...] the Government of India and the Government of His Majesty the K[ing ...] bearing date the 14th January 1874;

And whereas Her Majesty the Queen of the United Kingdom of [...] [and] Ireland, Empress of India, and His Majesty the King of Sia[m ...] [...] Koreans, etc., etc., etc.. with a v iew to the more [...]

tion of crime in the territories of Chiangmai, Lakon, and Lampoonchi, belonging to Siam, and to the promotion of commercial intercourse between British Burmah and the territories aforesaid, have agreed to abrogate the said Treaty Special concluded on the 14th January 1874, and to substitute therefor a new Treaty and have named their respective Plenipotentiaries for this purpose, that is to say—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland Empress of India William Henry Newman, Esq , Her Majesty's Acting Agent and Consul General in Siam ,

And His Majesty the King of Siam Sovereign of Laos Malays, Kareans etc , His Excellency *Chow Pyha Bhanwongse Maha Kosa Thibodi, Grand Cross of the* Most Hon ble Order of the Crown of Siam Grand Cross of the Most Noble Order of the Chula Chom Klao, Grand Officer of the Most Exalted Order of the White Elephant, Member of the Privy Council Minister for Foreign Affairs Phya Charon Raj Maitri Grand Officer of the Most Exalted Order of the White Elephant Knight Commander of the Most Noble Order of the Chula Chom Klao Member of the Privy Council, Chief Judge of the International Court and Phya Thep Prachun, Grand Cross of the Most Hon'ble Order of the Crown of Siam Knight Commander of the Most Noble Order of the Chula Chom Klao, Grand Officer of the Most Exalted Order of the White Elephant, Member of the Privy Council, Under Secretary of State of the War Department

The said Plenipotentiaries after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following Articles —

ARTICLE 1

The Treaty between the Government of India and the Government of His Majesty the King of Siam bearing date the 14th January 1874 shall be and is hereby abrogated

ARTICLE 2

The Siamese authorities in Chiangmai, Lakon, and Lampoonchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories , and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiangmai, Lakon, and Lampoonchi carrying on trade or business in the British territory

ARTICLE 3

British subjects entering Chiangmai, Lakon and Lampoonchi must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in this behalf stating their names, calling, and the weapons they carry, and description Such passports must be renewed for each journey, and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiangmai Lakon, and Lampoonchi on demand Persons provided with passports and not carrying any articles prohibited under the Treaty of the 18th April 1855, or the Supplementary Agreement of the 13th May 1856 shall be allowed to proceed on their journey without interference , persons unprovided

with passports may be turned back to the frontier, but shall not be subjected to further interference.

Passports may also be granted by Her Majesty's Consul-General at Bangkok and by Her Majesty's Consul or Vice-Consul at Chiangmai, in case of the loss of the original passport or of the expiration of the term for which it may have been granted, and other analogous cases.

British subjects travelling in the Siamese territory must be provided with passports from the Siamese authorities.

Siamese subjects going from Chiangmai, Lakon, and Lampoonchi into British Burmah must provide themselves with passports from the authorities of Chiangmai, Lakon, and Lampoonchi respectively, stating their name, calling, description, and the weapons they carry. Such passports must be renewed for each journey, and must be shown to the British officer at the frontier stations or in the interior of British Burmah on demand.

Persons provided with passports and not carrying any prohibited article shall be allowed to proceed on their journey without interference. Persons unprovided with passports may be turned back at the frontier, but shall not be subjected to further interference.

ARTICLE 4.

British subjects entering Siamese territory from British Burmah must, according to custom and the regulations of the country, pay the duties lawfully prescribed on goods liable to such duty.

Siamese subjects entering British territory will be liable, according to the regulations of the British Government, to pay the duties lawfully prescribed on goods liable to such duty.

Tables of such duties shall be published for general information.

ARTICLE 5.

His Majesty the King of Siam will cause the Prince of Chiangmai to establish and maintain guard stations, under proper officers, on the Siamese bank of the Salween River, which forms the boundary of Chiangmai belonging to Siam, and to maintain a sufficient police force for the prevention of murder, robbery, dacoity, and other crimes of violence.

ARTICLE 6.

If any persons accused or convicted of murder, robbery, dacoity, or other heinous crime in any of the territories of Chiangmai, Lakon, and Lampoonchi escape into British territory, the British authorities and police shall use their best endeavours to apprehend them. Such persons when apprehended shall, if Siamese subjects, or subjects of any third Power, according to the Extradition Law for the time being in force in British India, be delivered over to the Siamese authorities at Chiangmai; if British subjects, they shall either be delivered over to the Siamese authorities, or shall be dealt with by the British authorities as the Chief Commissioner of British Burmah, or any officer duly authorized by him in this behalf, may decide.

If any persons accused or convicted of murder, robbery, dacoity or other heinous crime in British territory, escape into Chiangmai Lakon or Lampoonchi the Siamese authorities and police shall use their best endeavours to apprehend them Such persons when apprehended shall if British subjects be delivered over to the British authorities according to the Extradition Law for the time being in force in Siam if Siamese subjects or subjects of any third Power not having Treaty relations with Siam, they shall either be delivered over to the British authorities or shall be dealt with by the Siamese authorities as the latter may decide, after consultation with the Consul or Vice Consul

Article 7

The interests of all British subjects coming to Chiangmai, Lakon, and Lampoonchi shall be placed under the regulations and control of a British Consul or Vice Consul, who will be appointed to reside at Chiangmai with power to exercise civil and criminal jurisdiction in accordance with the provisions of Article 2 of the Supplementary Agreement of the 13th May 1856, subject to Article 8 of the present Treaty

Article 8

His Majesty the King of Siam will appoint a proper person or proper persons to be a Commissioner and Judge, or Commissioners and Judges in Chiangmai for the purposes hereinafter mentioned Such Judge or Judges shall subject to the limitations and provisions contained in the present Treaty exercise civil and criminal jurisdiction in all cases arising in Chiangmai Lakon and Lampoonchi between British subjects, or in which British subjects may be parties as complainants, accused, plaintiffs, or defendants, according to Siamese law provided always, that in all such cases the Consul or Vice Consul shall be entitled to be present at the trial, and to be furnished with copies of the proceedings which, when the defendant or accused is a British subject, shall be supplied free of charge, and to make any suggestions to the Judge or Judges which he may think proper in the interests of justice provided also, that the Consul or Vice Consul shall have power at any time, before judgment, if he shall think proper in the interests of justice, by a written requisition under his hand, directed to the Judge or Judges, to signify his desire that any case in which both parties are British subjects, or in which the accused or defendant is a British subject, be transferred for adjudication to the British Consular Court at Chiangmai, and the case shall thereupon be transferred to such last mentioned Court accordingly, and be disposed of by the Consul or Vice Consul, as provided by Article 2 of the Supplementary Agreement of 13th May 1856

The Consul or Vice Consul shall have access, at all reasonable times, to any British subject who may be imprisoned under a sentence or order of the said Judge or Judges and, if he shall think fit, may require that the prisoner be removed to the Consular prison, there to undergo the residue of his term of imprisonment

The Tariff of Court fees shall be published, and shall be equally binding on all parties concerned, whether British or Siamese

ARTICLE 9.

In civil and criminal cases in which British subjects may be parties, and which shall be tried before the said Judge or Judges, either party shall be entitled to appeal to Bangkok; if a British subject, with the sanction and consent of the British Consul or Vice-Consul, and in other cases by leave of the presiding Judge or Judges.

In all such cases a transcript of the evidence, together with a report from the presiding Judge or Judges, shall be forwarded to Bangkok, and the appeal shall be disposed of there by the Siamese authorities and Her Britannic Majesty's Consul-General in consultation.

Provided always that in all cases where the defendants or accused are Siamese subjects the final decision on appeal shall rest with the Siamese authorities; and that in all other cases in which British subjects are parties the final decision on appeal shall rest with Her Britannic Majesty's Consul-General.

Pending the result of the appeal, the Judgment of the Court at Chiangmai shall be suspended on such terms and conditions (if any) as shall be agreed upon between the said Judge or Judges and the Consul or Vice-Consul.

In such cases of appeal, as above set forth, the appeal must be entered in the Court of Chiangmai within a month of the original verdict, and must be presented at Bangkok within a reasonable time, to be determined by the Court at Chiangmai, failing which the appeal will be thrown out of Court.

ARTICLE 10.

The British authorities in the frontier districts of British Burmah, and the Siamese authorities in Chiangmai, Lakon, and Lampoonchi, will at all times use their best endeavours to procure and furnish such evidence and witnesses as may be required for the determination of civil and criminal cases pending in the Consular and Siamese Courts at Bangkok and in Chiangmai respectively, when the importance of the affair may render it necessary.

ARTICLE 11.

British subjects desiring to purchase, cut, or girdle timber in the forests of Chiangmai, Lakon, and Lampoonchi must enter into a written agreement for a definite period with the owner of the forests. The agreement must be executed in duplicate, each party retaining a copy, and each copy must be sealed by the British Consul or Vice-Consul and a Siamese Judge and Commissioner at Chiangmai, appointed under Article 8 of this Convention, and be countersigned by a competent local authority, and every such agreement shall be duly registered in the British Consulate and in the Siamese Court at Chiangmai. Any British subject cutting or girdling trees in a forest without the consent of the owner of the forest obtained as aforesaid, or after the expiration of the agreement relating to it, shall be liable to pay such compensation to the owner of the forest as the British

Transfers of agreements shall be subject to the same formalities

The charges for sealing, countersigning and registration shall be fixed at a moderate scale, and published for general information

ARTICLE 12

The Siamese Judges and Commissioners at Chiangmai appointed under Article 8 shall, in conjunction with the local authorities, endeavour to prevent the owners of forests from executing agreements with more than one party for the same timber or forests, and to prevent any person from illegally marking or effacing the marks on timber which has been lawfully cut or marked by another person and they shall give such facilities as are in their power to the purchasers and fellers of timber to identify their property Should the owners of forests hinder the cutting girdling, or removing of timber under agreements duly executed in accordance with Article 11 of this Convention the Siamese Judges and Commissioners of Chiangmai and the local authorities shall enforce the agreement and the owners of such forests acting as aforesaid shall be liable to pay such compensation to the persons with whom they have entered into such agreements as the Siamese Judges and Commissioners at Chiangmai shall determine in accordance with Siamese law

ARTICLE 13

Except as and to the extent specially provided nothing in this Treaty shall be taken to affect the provisions of the Treaty of Friendship and Commerce between Her Majesty and the Kings of Siam of the 18th April 1855, and the Agreement Supplementary thereto of the 13th May 1856

ARTICLE 14

This Treaty has been executed in English and Siamese both versions having the same meaning but it is hereby agreed that in the event of any question arising as to the construction thereof, the English text shall be accepted as conveying its true meaning and intention

ARTICLE 15

This Treaty shall come into operation immediately after the exchange of the ratifications thereof, and shall continue in force for seven years from that date, unless either of the two Contracting Parties shall give notice of their desire that it should terminate before that date In such case, or in the event of notice not being given before the expiration of the said period of seven years it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice The High Contracting Parties, however, reserve to themselves the power of making, by common consent, any modifications in these Articles which experience of their working may show to be desirable

ARTICLE 16

This Treaty shall be ratified, and ratifications exchanged at Bangkok as soon as possible

In witness whereof the respective Plenipotentiaries have signed the same in duplicate, and have affixed thereto their respective seals.

Done at Bangkok, the third day of September, in the year one thousand eight hundred and eighty three of the Christian era, corresponding to the second day of the waxing moon of the tenth month of the year of the Goat, one thousand two hundred and forty-five of the Siamese era.

W. H. Newman.

(Signatures of the Siamese Plenipotentiaries.)

Annex.

List of heinous crimes appended to the Treaty made between Great Britain and Siam with regard to Chiangmai, Lakon, and Lampoonchi, this 3rd day of September 1883, in connection with the provisions of Article 6 of that Treaty with regard to the extradition of offenders :—

Murder.
Culpable homicide.
Dacoity.
Robbery.
Theft.
Forgery.
Counterfeiting coin or Government stamps.
Kidnapping.
Rape.
Mischief by fire or by any explosive substance.

W. H. Newman.

(Signatures of the Siamese Plenipotentiaries.)

No. IX.

Notification by the Government of India, Foreign Department, No. 1012-E., dated Simla, the 16th May 1887.

The following correspondence, embodying an agreement with the Siamese Government for reciprocal free trade on the Burma-Siam frontier, is published for general information :—

Dated Bangkok, the 28th January 1887.

From—Her Britannic Majesty's Minister—Resident and Consul-General in Siam,
To—The Siamese Minister for Foreign Affairs.

A representation reached me a short time ago from certain British traders who are in the habit of importing goods across the frontier from Burma into Raheng, stating that they have been called upon by the Governor of that province to pay import duty at the rate of three per cent. in accordance with the Bangkok tariff, and asking me to instruct them whether they should comply with this demand.

I may observe to Your Royal Highness that although this frontier trade has existed for many years past, it has not, to my knowledge, been the practice hitherto to levy any duties. The trade itself is probably of no great magnitude, but such as it is, it no doubt is productive of benefit and convenience to the inhabitants

of Raheng and the neighbouring provinces of Northern Siam, who are thus enabled to supply themselves less circuitously than by the river route from Bangkok

I do not desire to contest the right of the Siamese Government to levy such duties if they think it desirable after giving the usual public notice to the trade, but I would beg to observe that, while the annual amount accruing to the Royal Treasury from such duties would probably form an insignificant item of revenue, their imposition would probably have the effect of disproportionately restricting a trade which is without doubt advantageous to both Siam and Burma

I have now the honour to inform Your Royal Highness that I am empowered by His Excellency the Viceroy of India to propose to enter into an agreement that the overland trade shall be permitted to remain free as heretofore with the exception, however of the duties on salt and articles liable to excise when produced in India, and maintaining the freedom of both Governments with regard to the imposition of restrictions on the importation of arms and ammunition

Under such an agreement all merchandise from Siam would pass freely into Burma, with the above exceptions and *vice versa* It is not proposed however, to include in this arrangement the territories affected by the Treaty of 3rd September 1883, unless the Government of His Majesty the King of Siam should desire it

---

TRANSLATION of a LETTER from the SIAMESE MINISTER FOR FOREIGN AFFAIRS to HER BRITANNIC MAJESTY'S MINISTER—RESIDENT and CONSUL GENERAL in SIAM, dated Foreign Office Bangkok, the 2nd February 1887

I have the honour to acknowledge the receipt of your note of the 28th of January, relating to the import duty on goods across the frontier from Burma to Raheng in which you inform me that you have been empowered by His Excellency the Viceroy of India to enter into an agreement with His Majesty's Government for the mutual regulation of the overland trade, the basis of which is fully given by you

I have submitted your note to my Sovereign and His Majesty's Government and I am directed to state in reply that the object of the proposed establishment of customs stations on the frontier is to obtain accurate statistics of the trade of the kingdom which have heretofore been very incompletely kept, and further that His Majesty's Government is willing to agree with you upon the following —

The overland trade between Burma and Raheng shall remain free as heretofore and only on salt and such articles as are liable to inland duty when produced in Siam an excise duty shall be levied

Both Governments reserve to themselves the right to make regulations for the importation of arms and ammunition

His Majesty's Government is not prepared at present to include in this arrangement the territories affected by the Treaty of 1883

His Majesty's Government desires further that all traders should declare the value of the merchandize they carry on passing the frontier station in order that complete statistics may be kept

No. X.

AGREEMENT between GREAT BRITAIN and FRANCE *with regard to* SIAM *and the* UPPER MEKONG. SIGNED at LONDON JANUARY 15, 1896.

The Undersigned, duly authorised by their respective Governments, have signed the following Declaration :—

I. The Governments of Great Britain and France engage to one another that neither of them will, without the consent of the other, in any case, or under any pretext, advance their armed forces into the region which is comprised in the basins of the Petchabouri, Meiklong, Menam and Bang Pa Kong (Petriou) rivers and their respective tributaries, together with the extent of coast from Muong Bang Tapan to Muong Pase, the basins of the rivers on which those two places are situated, and the basins of the other rivers, the estuaries of which are included in that coast; and including also the territory lying to the north of the basin of the Menam, and situated between the Anglo-Siamese frontier, the Mekong river, and the eastern watershed of the Me Ing. They further engage not to acquire within this region any special privilege or advantage which shall not be enjoyed in common by, or equally open to, Great Britain and France and their nationals and dependents. These stipulations, however, shall not be interpreted as derogating from the special clauses which, in virtue of the treaty concluded on the 3rd October, 1893, between France and Siam, apply to a zone of 25 kilom. on the right bank of the Mekong and to the navigation of that river.

II. Nothing in the foregoing clause shall hinder any action on which the

Les Soussignés dûment autorisés par leurs Gouvernements respectifs, ont signé la Déclaration suivante :—

I. Les Gouvernements de Grande-Bretagne et de France s'engagent mutuellement à ne faire pénétrer, dans aucun cas et sous aucun prètexte, sans le consentement l'un de l'autre, leurs forces armées dans la région comprenant les bassins des Rivières Petchabouri, Meiklong, Ménam, et Bang Pa Kong (Rivière de Petriou) et de leurs affluents respectifs, ainsi que le littoral qui s'étend depuis Muong Bang Tapan jusqu'à Muong Pase, les bassins des rivières sur lesquelles sont situées ces deux villes, et les bassins des autres rivières dont les embouchures sont incluses dans cette étendue de littoral; et comprenant aussi le territoire situé au nord du bassin du Ménam entre la frontière Anglo-Siamoise, le fleuve Mékong, et la limite orientale du bassin du Me Ing. Ils s'engagent en outre à n'acquérir dans cette région aucun privilège ou avantage particulier dont le bénéfice ne soit pas commun à la Grande-Bretagne et à la France, à leurs nationaux et ressortissants, ou qui ne leur serait pas accessible sur le pied de l'égalité. Ces stipulations, toutefois, ne seront pas interprétées comme dérogeant aux clauses spéciales qui, en vertu du Traité conclu le 3 Octobre, 1893, entre la France et le Siam, s'appliquent à une zone de 25 kilom. sur la rive droite du Mékong et à la navigation de ce fleuve.

II. Rien dans la clause qui précède ne mettra obstacle à aucune action dont les

two Powers may agree, and which they shall think necessary in order to uphold the independence of the Kingdom of Siam. But they engage not to enter into any separate agreement permitting a third Power to take any action from which they are bound by the present declaration themselves to abstain.

III. From the mouth of the Nam Huok northwards as far as the Chinese frontier the thalweg of the Mekong shall form the limit of the possessions or spheres of influence of Great Britain and France. It is agreed that the nationals and dependents of each of the two countries shall not exercise any jurisdiction or authority within the possessions or sphere of influence of the other.

The police of the islands in this part of the river which are separated from the British shore by a branch of the river shall, so long as they are thus separated, be intrusted to the French authorities. The fishery shall be open to the inhabitants of both banks.

IV. The two Governments agree that all commercial and other privileges and advantages conceded in the two Chinese provinces of Yunnan and Szechuen either to Great Britain or France in virtue of their respective conventions with China of the 1st March 1894 and the 20th June, 1895, and all privileges and advantages of any nature which may in the future be conceded in these two Chinese provinces, either to Great Britain or France, shall, as far as rests with them, be extended and rendered common to both Powers and to their nationals and dependents, and they engage to use their influence and good offices with

deux Puissances pourraient convenir et qu'elles jugeraient nécessaire pour maintenir l'indépendance du Royaume de Siam. Mais elles s'engagent à n'entrer dans aucun arrangement séparé qui permette à une tierce Puissance de faire ce qu'elles s'interdisent réciproquement par la présente Déclaration.

III. A partir de l'embouchure du Nam Huok et en remontant vers le nord jusqu'à la frontière Chinoise, le thalweg du Mekong formera la limite des possessions ou sphères d'influence de la Grande Bretagne et de la France. Il est convenu que les nationaux et ressortissants d'aucun des deux pays n'exerceront une juridiction ou autorité quelconque dans les possessions ou la sphère d'influence de l'autre pays.

Dans la partie du fleuve dont il s'agit, la police des îles séparées de la rive Britannique par un bras du dit fleuve appartiendra aux autorités Françaises tant que cette séparation existera. L'exercice du droit de pêche sera commun aux habitants des deux rives.

IV. Les deux Gouvernements conviennent que tous les privilèges et avantages commerciaux ou autres, concédés dans les deux provinces Chinoises du Yunnan et du Setchuen soit à la Grande Bretagne soit à la France en vertu de leurs Conventions respectives avec la Chine du 1er Mars, 1894, et du 20 Juin 1895, et tous les privilèges et avantages de nature quelconque qui pourront être concédés par la suite dans ces deux mêmes provinces Chinoises soit à la Grande Bretagne, soit à la France, seront, autant qu'il dépend d'eux, étendus et rendus communs aux deux Puissances, à leurs nationaux et ressortissants, et ils s'engagent à user à cet effet de leur influence et de leurs bons

the Chinese Government for this purpose.

V. The two Governments agree to name Commissioners delegated by each of them, who shall be charged to fix by mutual agreement, after examination of the titles produced on either side, the most equitable delimitation between the British and French possessions in the region situated to the west of the Lower Niger.

VI. In conformity with the stipulations of Article XL of the General Convention concluded between Great Britain and the Regency of Tunis on the 19th July, 1875, which provides for a revision of that Treaty "in order that the two Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective people," the two Governments agree at once to commence negotiations for replacing the said General Convention by a new Convention, which shall correspond with the intentions proposed in the Article above referred to.

Done at London, the 15th January 1896.

offices auprès du Gouvernement Chinois.

V. Les deux Gouvernements conviennent de nommer des Commissaires délégués par chacun d'eux, et qui seront chargés de fixer de commun accord après examen des titres invoqués de part et d'autre, la délimitation la plus équitable entre les possessions Anglaises et Françaises dans la région située à l'ouest du Bas Niger.

VI. Conformément aux stipulations de l'Article XL de la Convention Générale conclue entre la Grande-Bretagne et la Régence de Tunis le 19 Juillet, 1875, qui prévoit une révision de ce Traité "afin que les deux Parties Contractantes puissent avoir occasion de traiter ultérieurement et de convenir de tels arrangements qui puissent tendre encore davantage à améliorer leurs relations mutuelles et à développer les intérêts de leurs nations respectives," les deux Gouvernements conviennent d'ouvrir immédiatement des négociations en vue de remplacer la dite Convention Générale par une Convention nouvelle répondant aux intentions annoncées dans l'Article qui vient d'être cité.

Fait à Londres, le 15 Janvier, 1896.

No. XI.

Convention between Great Britain and Siam, signed at Bangkok, April 6th, 1897.

Her Britannic Majesty having communicated to His Majesty the King of Siam the two first Articles of the Declaration signed between the Governments of Great Britain and France on the 15th day of January 1896, as giving evidence of England and France's joint solicitude for the security and stability of the Kingdom of Siam, His Majesty the King of Siam and Her Britannic Majesty, being desirous of making further provisions for securing the mutual interests of Siam and Great

ritain, have agreed to conclude a Convention for this purpose, and have, there ore, named as their respective Plenipotentiaries, that is to say

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, mpress of India, William John Archer, Esq , Her Majesty s Charge d'Affaires t Bangkok ,

His Majesty the King of Siam, Kromaluang Devawongse Varoprakar, His [ajesty's Minister for Foreign Affairs who, after having communicated to each ther their respective full powers, and found them to be in good and due form ave agreed upon and concluded the following Articles —

ARTICLE I

His Majesty the King of Siam engages not to cede or alienate to any other 'ower any of his rights over any portion of the territories or islands lying to the outh of Muong Bang Tapan

ARTICLE II

Her Britannic Majesty engages on her part to support His Majesty the King f Siam in resisting any attempt by a third Power to acquire dominion or to esablish its influence or Protectorate in the territories or islands above mentioned

ARTICLE III

Her Britannic Majesty having engaged by the preceding Article to support His Majesty the King of Siam in resisting any attempt by any third Power to acquire dominion or to establish influence or Protectorate in any of the territories or slands above mentioned, His Majesty the King of Siam engages not to grant cede, or let any special privilege or advantage, whether as regards land or trade, within he above specified limits, either to the Government or to the subjects of a third Power without the written consent of the British Government, and Her Britannic Majesty engages to support His Majesty the King of Siam in the execution of this Article

In Witness whereof the above named Plenipotentiaries have signed and sealed the present Convention, in duplicate, at Bangkok, on the 6th day of April in the year 1897 of the Christian Era

W J ARCHER.

DEVAWONGSE

No XII.

AGREEMENT RESPECTING THE REGISTRATION OF BRITISH SUBJECTS IN SIAM, SIGNED AT BANGKOK, NOVEMBER 29TH, 1899

The Governments of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and of His Majesty the King of Siam,

recognizing the necessity of having a satisfactory arrangement for the registration of British subjects in Siam, the undersigned, Her Britannic Majesty's Minister Resident and His Siamese Majesty's Minister for Foreign Affairs, duly authorized to that effect, have agreed as follows :—

I

The registration according to Article V of the Treaty of April 18th, 1855, of British Subjects residing in Siam, shall comprise the following categories :—

(1) All British natural born or naturalized subjects, other than those of Asiatic descent

(2) All children and grandchildren born in Siam of persons entitled to be registered under the first category, who are entitled to the status of British subjects in contemplation of English law.

Neither great-grandchildren nor illegitimate children born in Siam of persons mentioned in the first category are entitled to be registered.

(3) All persons of Asiatic descent, born within the Queen's dominions, or naturalized within the United Kingdom, or born within the territory of any Prince or State in India under the suzerainty of, or in alliance with, the Queen

Except natives of Upper Burma or the British Shan States who became domiciled in Siam before January 1st, 1886.

(4) All children born in Siam of persons entitled to be registered under the third category.

No grandchildren born in Siam or persons mentioned in the third category are entitled to be registered for protection in Siam

(5) The wives and widows of any persons who are entitled to be registered under the foregoing categories.

II

The lists of such registration shall be open to the inspection of a properly authorized Representative of the Siamese Government on proper notice being given.

III

If any question arises as to the right of any person to hold a British certificate of registration or as to the validity of the certificate itself, a joint inquiry shall be held by the British and Siamese authorities and decided according to the conditions laid down in this Agreement, upon evidence to be adduced by the holder of the certificate, in the usual way.

IV

Should any action, civil or criminal, be pending while such inquiry is going on, it shall be determined conjointly in what Court the case shall be heard

V

If the person, in respect of whom the inquiry is held, come within the conditions for registration laid down in Article I, he may, if not yet registered forthwith be registered as a British subject and provided with a certificate of registration at Her Britannic Majesty's Consulate, otherwise he shall be recognized as falling under Siamese jurisdiction and if already on the lists of Her Britannic Majesty's Consulate his name shall be erased

In witness whereof the undersigned have signed the same in duplicate and have affixed thereto their seals at Bangkok on the 29th day of November 1899, of the Christian era, corresponding to the 118th year of Ratanakosindr

GEORGE GREVILLE.

DEVAWONGSE VAROPRAKAR

No XIII

AGREEMENT SIGNED 29TH NOVEMBER 1899

The Government of Her Britannic Majesty on the one part acting in the names and on behalf of the Sultans of Perak and Pahang, and the Government of His Siamese Majesty on the other part, considering that it is desirable to settle all frontier disputes in the Malay Peninsula and to define the boundaries between the abovenamed States of Perak and Pahang on the one side and the Siamese province of Raman and the Siamese dependencies of Kedah Kelantan and Tringanu on the other, the undersigned Her Britannic Majesty's Minister Resident and His Siamese Majesty's Minister for Foreign Affairs duly authorised to that effect have agreed as follows —

I The boundary between Perak and Kedah is as follows —

From the point on the Krian River near Bukit Toongal along the Krian River to its source in Bintang as shown in the map* annexed to this Agreement, and marked (A to B)

II The boundary between Perak and Raman as shown in the map* annexed to this Agreement and marked (B C, D E F) is as follows —

(1) A straight line from Bingtang to Kenderung from (B to C)

(2) A straight line from Kenderung to a point on the River Kui about 4 miles above its mouth from (C to D)

(3) From the point marked (D) a straight line to the end of the spur on the Parek River near Jeram Pala marked (E), which marks the northern drainage of the River Sengo

(4) The line of northern drainage of the River Sengo to the main watershed, from (E to F)

* Not printed.

III. The boundary between Perak and Pahang on the one side, and Kelantan on the other, is the main watershed.

IV. The boundary between Pahang and Tringanu is—

(1) The main water-shed.

(2) Then the southern drainage of the Kemaman River until it meets the water-shed of the Chendar River.

(3) Then the northern drainage of the Chendar River to Tanjong Glugor on the sea coast.

In witness whereof the undersigned have signed the same in duplicate, and have affixed thereto their seals at Bangkok on the 29th day of November in the year 1899 of the Christian era, corresponding to the 118th year of Ratanakosindr.

GEORGE GREVILLE.

DEVAWONGSE VAROPRAKAR.

No. XIV.

AGREEMENT BETWEEN THE UNITED KINGDOM AND SIAM RELATIVE TO TAXATION ON LAND HELD OR OWNED BY BRITISH SUBJECTS IN SIAM.—SIGNED AT BANGKOK, 20TH SEPTEMBER 1900.

In order to facilitate the financial arrangements of the Siamese Government and on condition that taxation on land rented, held, or owned by British subjects shall nowhere exceed taxation levied on similar land in Lower Burma, Her Britannic Majesty's Government consent to the abrogation of the Schedule of Taxes in five sections annexed to the Supplementary Agreement between Great Britain and Siam signed at Bangkok on the 13th May 1856 His Siamese Majesty's Government having assented to the above condition, the undersigned, Her Britannic Majesty's Chargé d' Affaires in Siam, and His Siamese Majesty's Minister of Foreign Affairs, duly authorized to that effect, have agreed as follows:—

1. The words "The taxes here alluded to are those set forth in the annexed Schedule" appearing in Article IV of the Agreement supplementary to the Treaty of Friendship and Commerce between Siam and Great Britain, signed at Bangkok on the 13th May 1856, shall be and are hereby deleted

2. The Schedule, in five sections, of taxes on garden, ground, plantations, and other lands, annexed to the abovementioned agreement, shall be and is hereby abrogated.

In witness whereof the undersigned have signed the same in duplicate, and affixed thereto their seals at Bangkok on the twentieth day of September in the year one thousand nine hundred of the Christian era, and in the one hundred and nineteenth year of Ratnakosindr.

WM. ARCHER.

DEVAWONGSE VAROPRAKAR

No XV

DECLARATION

The undersigned duly authorized by their respective Governments after careful examination of the present condition of the States of Kelantan and Trengganu and of the arrangements which it is expedient to make with regard to their administration have agreed upon the terms of a draft Agreement of which a copy is annexed to this Declaration to be concluded between His Siamese Majesty and the Rajas of those States

It is agreed that this draft shall at once be communicated to the Rajas for the purpose of procuring their adhesion to it

As the common object of both the Governments throughout the negotiations has been to maintain the security and stability of the Kingdom of Siam and its Dependencies and to promote the good Government of those Dependencies and the contentment and prosperity of their people His Britannic Majesty's Government undertake to instruct their Representatives and other [illegible] in the Malay Peninsula to co operate cordially for the successful working of the Agreement His Siamese Majesty's Government on their part undertaking that its provisions shall be faithfully observed by their officers and that there shall be no interference in the affairs of the States otherwise than as provided for in the Agreement

Done at London the 6th day of October 1902

LANSDOWNE

PHYA SRI SAHADEB

Draft Agreement

WHEREAS the STATE of KELANTAN / TRENGGANU HAS BEEN RECOGNIZED to be a DEPENDENCY of SIAM and WHEREAS it is DESIRABLE to DEFINE the PRINCIPLES UNDER WHICH THE GOVERNMENT OF THAT STATE IS IN FUTURE TO BE CONDUCTED IT IS HEREBY AGREED BETWEEN REPRESENTING HIS MAJESTY THE KING OF SIAM AND THE RAJA OF KELANTAN / TRENGGANU, AS FOLLOWS —

ARTICLE 1

The Raja of Kelantan / Trengganu engages to have no political relations or political dealings with any foreign Power or Chiefs of States except through the medium of the Government of His Majesty the King of Siam

ARTICLE 2

His Majesty the King of Siam reserves the r[illegible] Adviser and Assistant Adviser in the State of [illegible] atrve (or Agent) of His Majesty the [illegible] Adviser and Assistant Adviser [illegible]

Majesty's Government. The Raja also undertakes to provide them with suitable residences, and to follow the advice of the Adviser, and, in his absence, of the Assistant Adviser, in all matters of administration other than those touching the Muhammadan religion and Malay custom.

ARTICLE 3.

The Raja of Kelantan/Trengganu engages not to enter into any agreement with or to give any concession to, or to allow any transfer to or by, any individual or Company other than a native or natives of the State of Kelantan/Trengganu, and not to employ in an official position, with a fixed salary of more than 400*l.* per annum, any individual other than a native of Kelantan/Trengganu, without having previously obtained the consent in writing of His Siamese Majesty's Government. Provided that should the area of the grant or concession not exceed 5,000 acres of agricultural land or 1,000 acres of mining land, the written consent of the Adviser shall be sufficient. Such written consent shall also be sufficient for the employment of officials of a lower rank who are not natives of Kelantan/Trengganu.

ARTICLE 4.

As soon as, and whenever, the gross revenue of Kelantan/Trengganu amounts to 100,000 dollars, one-tenth of the gross revenue shall be annually paid into His Siamese Majesty's Treasury. Provided that the maximum amount thus payable on account of any one year shall not exceed the sum of 100,000 dollars. So long as, and whenever, the gross annual revenue of Kelantan/Trengganu is less than 100,000 dollars, the usual Bunga Mass shall continue to be sent to His Majesty the King of Siam.

ARTICLE 5.

His Siamese Majesty's Government undertakes not to interfere with the internal administration of the State of Kelantan/Trengganu otherwise than as provided for in this Agreement, so long as nothing is done in that State contrary to the Treaty rights and obligations that His Majesty has with foreign Governments, and so long as peace and order are maintained within that State and it is governed for the benefit of its inhabitants with moderation, justice and humanity.

ARTICLE 6.

The Departments of Posts, Telegraphs and Railways, as being part of the internal administration of the State of Kelantan/Trengganu, will be under the control of the Raja of Kelantan/Trengganu, but the Raja of Kelantan/Trengganu engages to co-operate at any time with the Government of His Siamese Majesty in the construction and management of any section of a trunk line of railway or telegraph which may come within the confines of Kelantan/Trengganu. The conditions of such co-operation shall in each case be the subject of special arrangement. Should any stamps be used, they

shall be procured from Bangkok and shall bear the effigy of the King of Siam but they shall be issued solely by the Raja of Kelantan / Trengganu, and the revenue derived from them shall accrue solely to the State of Kelantan / Trengganu. The Raja further undertakes not to grant to any Company or private individual any privileges for the construction of railways in Kelantan / Trengganu without the written consent of His Siamese Majesty's Government. This stipulation however shall not apply to private lines of railway constructed by the owners of concessions which have been granted under Article 3 and intended for the conveyance of minerals or other natural products.

ARTICLE 7

Nothing in this Agreement is intended to curtail any of the powers or authority now held by the Raja of Kelantan / Trengganu nor does it alter, otherwise than as provided for in this Agreement, the relations now existing between the Raja and His Siamese Majesty's Government.

The undersigned His Britannic Majesty's Secretary of State for Foreign Affairs, has the honour to make the following communication to Phya Sri Sahadeb, Special Envoy of His Majesty the King of Siam, in regard to the Agreements relative to the Siamese Dependencies of Kelantan and Trengganu, the terms of which have been arranged between His Britannic Majesty's Government and that of His Siamese Majesty :—

The British Government, having throughout these negotiations been actuated by the same sincere desire to respect the Treaty rights of His Majesty the King of Siam in the Malay Peninsula and to promote the stability and security of the Kingdom of Siam and its Dependencies that has hitherto characterized the policy of Great Britain, undertake to instruct their Representatives in the Malay Peninsula to use their influence to secure the peaceful adoption by the Rajas of Kelantan and Trengganu of the draft Agreement, on the understanding that the Siamese Government, on their part, will strictly observe its terms and instruct their officers to faithfully carry them out.

The undersigned thinks it right, however, to observe that in order to insure the successful working of the Agreements and having in view the immediate propinquity of the Malay States under British protection to the two States in question, it will be essential that the officials appointed to be the Advisers and Assistant Advisers of the Rajas, as mentioned in Article 2 of the Agreement, shall be of British nationality, and that the concurrence of His Britannic Majesty's Government should be confidentially obtained for their selection, removal, and the renewal of their appointments.

LANSDOWNE

FOREIGN OFFICE,
The 6th October 1902

The undersigned, Phya Sri Sahadeb, Special Envoy of His Majesty the King of Siam, has the honour to acknowledge the receipt of the note of the Marquess of Lansdowne of this date, in regard to the Agreements relative to the Siamese Dependencies of Kelantan and Trengganu, the terms of which have been arranged between His Siamese Majesty's Government and that of His Britannic Majesty, and, in reply to the assurances and considerations therein set forth, he is authorized by his Government to give the following confidential assurances:—

In view of the interest which His Britannic Majesty's Government must necessarily have in the peace, order, and good government of these States on account of their immediate propinquity to the Straits Settlements and to the Malay States under British protection, and, in consideration of the mutual relations which have been established by previous Treaties between Great Britain and Siam in respect of the Malay Peninsula, His Siamese Majesty's Government will appoint officials of British nationality to be the Advisers and Assistant Advisers of the Rajas of Kelantan and Trengganu mentioned in Article 2 of the Agreement. These officials will be selected from among persons of British nationality who have seen service under the Siamese Government, or are favourably known to the Siamese Government, and who are also favourably known to the British Government by service or otherwise; and His Siamese Majesty's Government will, in all cases, previously consult with His Britannic Majesty's Government in regard to their selection, removal and the renewal of their appointments by confidential communications with His Britannic Majesty's Representative at Bangkok.

The appointments will be made in each case for a term of not less than three nor more than five years, subject to renewal by the Siamese Government, and the salaries to be paid by the Rajas will be approximately on the following scale:—

	£ £
Adviser, Kelantan	1,000—1,100
Assistant Adviser	500— 600
Adviser, Trengganu	800— 900
Assistant Adviser	500— 600

PHYA SRI SAHADEB.

LONDON,

The 6th October 1902.

No XVI

Declaration concerning Siam, Madagascar and the New Hebrides

I.—Siam

The Government of His Britannic Majesty and the Government of the French Republic confirm Articles 1 and 2 of the Declaration signed in London on the 15th January 1896 by the Marquess of Salisbury, then Her Britannic Majesty's Principal Secretary of State for Foreign Affairs, and Baron de Courcel, then Ambassador of the French Republic at the Court of Her Britannic Majesty.

In order, however, to complete these arrangements, they declare by mutual agreement that the influence of Great Britain shall be recognized by France in the territories situated to the west of the basin of the River Menam, and that the influence of France shall be recognized by Great Britain in the territories situated to the east of the same region, all the Siamese possessions on the east and south-east of the zone above described and the adjacent islands coming thus henceforth under French influence, and, on the other hand, all Siamese possessions on the west of this zone and of the Gulf of Siam, including the Malay Peninsula and the adjacent islands, coming under English influence.

The two Contracting Parties, disclaiming all idea of annexing any Siamese territory, and determined to abstain from any act which might

Déclaration concernant le Siam, Madagascar et les Nouvelles-Hébrides

I.—Siam

Le Gouvernement de Sa Majesté Britannique et le Gouvernement de la République Française confirment les Articles 1 et 2 de la Déclaration signée à Londres le 15 Janvier 1896 par le Marquis de Salisbury, alors Principal Secrétaire d'État pour les Affaires Étrangères de Sa Majesté Britannique, et le Baron de Courcel, alors Ambassadeur de la République Française près Sa Majesté Britannique.

Toutefois, en vue de compléter ces dispositions, ils déclarent d'un commun accord que l'influence de la Grande-Bretagne sera reconnue par la France sur les territoires situés à l'ouest du bassin de la Ménam, et que l'influence de la France sera reconnue par la Grande-Bretagne sur les territoires situés à l'est de la même région, toutes les possessions Siamoises à l'est et au sud-est de la zone susvisée et les îles adjacentes relevant ainsi désormais de l'influence Française, et, d'autre part, toutes les possessions Siamoises à l'ouest de cette zone et du Golfe de Siam, y compris la Péninsule Malaise et les îles adjacentes, relevant de l'influence Anglaise.

Les deux Parties Contractantes, écartant d'ailleurs toute idée d'annexion d'aucun territoire Siamois, et résolues à s'abstenir de tout acte qui irait à

contravene the provisions of existing Treaties, agree that, with this reservation, and so far as either of them is concerned, the two Governments shall each have respectively liberty of action in their spheres of influence as above defined.

l'encontre des dispositions des Traités existants conviennent que, sous cette réserve et en regard de l'un et de l'autre, l'action respective des deux Gouvernements s'exercera librement sur chacune des deux sphères d'influence ainsi définies.

II.—MADAGASCAR.

In view of the Agreement now in negotiation on the question of jurisdiction and the postal service in Zanzibar, and on the adjacent coast, His Britannic Majesty's Government withdraw the protest which they had raised against the introduction of the Customs Tariff established at Madagascar after the annexation of that island to France. The Government of the French Republic take note of this Declaration.

II.—MADAGASCAR.

En vue de l'Accord en préparation sur les questions de juridiction et du service postal à Zanzibar, et sur la côte adjacente, le Gouvernement de Sa Majesté Britannique renonce à la réclamation qu'il avait formulée contre l'introduction du Tarif Douanier établi à Madagascar après l'annexion de cette île à la France. Le Gouvernement de la République Francaise prend acte de cette Déclaration.

III.—NEW HEBRIDES.

The two Governments agree to draw up in concert an Arrangement which, without involving any modification of the political *status quo*, shall put an end to the difficulties arising from the absence of jurisdiction over the natives of the New Hebrides.

They agree to appoint a commission to settle the disputes of their respective nationals in the said islands with regard to landed property. The competency of this Commission and its rules of procedure shall form the subject of a preliminary Agreement between the two Governments.

In witness whereof His Britannic Majesty's Principal Secretary of State for Foreign Affairs and his Excellency the Ambassador of the

III.—NOUVELLES-HÉBRIDES.

Les deux Gouvernements conviennent de préparer de concert un Arrangement qui, sans impliquer aucune modification dans le *statu quo* politique, mette fin aux difficultés résultant de l'absence de juridiction sur les indigènes des Nouvelles-Hébrides.

Ils conviennent de nommer une Commission pour le règlement des différends fonciers de leurs ressortissants respectifs dans les dites îles. La compétence de cette commission et les règles de sa procédure feront l'objet d'un Accord preliminaire entre les deux Gouvernements.

En foi de quoi le Principal Secrétaire d'Etat pour les Affaires Etrangères de Sa Majesté Britannique et son Excellence l'Ambassadeur de la Répub-

French Republic at the Court of His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas Emperor of India duly authorised for that purpose have signed the present Declaration and have affixed thereto their seals

Done at London in duplicate the 8th day of April, 1904

lique Francaise pres Sa Majesté le Roi du Royaume Uni de la Grande Bretagne et d'Irlande et des Territoires Britanniques au delà les Mers Empereur des Indes dument autorisés à cet effet ont signé la présente Declaration et y ont apposé leurs cachets

Fait a Londres en double expedition le 8 Avril 1904

LANSDOWNE PAUL CAMBON

No XVII

TREATY BETWEEN THE UNITED KINGDOM AND SIAM

Signed at Bangkok March 10 1909

[*Ratifications exchanged at London July 9 1909*]

TREATY

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas Emperor of India and His Majesty the King of Siam being desirous of settling various questions which have arisen affecting their respective dominions have decided to conclude a Treaty and have appointed for this purpose as their Plenipotentiaries

His Majesty the King of Great Britain Ralph Paget Esq his Envoy Extraordinary and Minister Plenipotentiary etc

His Majesty the King of Siam His Royal Highness Prince Devawongse Varoprakar Minister for Foreign Affairs etc

who after having communicated to each other their respective full powers and found them to be in good and due form have agreed upon and concluded the following Articles —

ARTICLE 1

The Siamese Government transfers to the British Government all rights of suzerainty protection administration and control whatsoever which they possess over the States of Kelantan Tringganu Kedah Perlis and adjacent islands The frontiers of these territories are defined by the Boundary Protocol annexed hereto *

---

* Annex 1

ARTICLE 2.

The transfer provided for in the preceding Article shall take place within thirty days after the ratification of this Treaty.

ARTICLE 3.

A mixed Commission, composed of Siamese and British officials and officers, shall be appointed within six months after the date of ratification of this Treaty, and shall be charged with the delimitation of the new frontier. The work of the Commission shall be commenced as soon as the season permits, and shall be carried out in accordance with the Boundary Protocol annexed hereto.

Subjects of His Majesty the King of Siam residing within the territory described in Article 1 who desire to preserve their Siamese nationality will, during the period of six months after the ratification of the present Treaty, be allowed to do so if they become domiciled in the Siamese dominions. His Britannic Majesty's Government undertake that they shall be at liberty to retain their immovable property within the territory described in Article 1.

It is understood that, in accordance with the usual custom where a change of suzerainty takes place, any Concessions within the territories described in Article 1 hereof to individuals or Companies, granted by or with the approval of the Siamese Government, and recognized by them as still in force on the date of the signature of the Treaty, will be recognized by the Government of His Britannic Majesty.

ARTICLE 4.

His Britannic Majesty's Government undertake that the Government of the Federated Malay States shall assume the indebtedness to the Siamese Government of the territories described in Article 1.

ARTICLE 5.

The jurisdiction of the Siamese International Courts, established by Article 8 of the Treaty of the 3rd September, 1883, shall, under the conditions defined in the Jurisdiction Protocol annexed hereto,* be extended to all British subjects in Siam registered at the British Consulates before the date of the present Treaty.

This system shall come to an end, and the jurisdiction of the International Courts shall be transferred to the ordinary Siamese Courts after the promulgation and the coming into force of the Siamese codes, namely, the Penal Code, the Civil and Commercial Codes, the Codes of Procedure, and the Law for organization of Courts.

All other British subjects in Siam shall be subject to the jurisdiction of the ordinary Siamese Courts under the conditions defined in the Jurisdiction Protocol.

---

* *Annex 2.*

ARTICLE 6.

British subjects shall enjoy throughout the whole extent of Siam the rights and privileges enjoyed by the natives of the country, notably the right of property, the right of residence and travel

They and their property shall be subject to all taxes and services, but these shall not be other or higher than the taxes and services which are or may be imposed by law on Siamese subjects It is particularly understood that the limitation in the Agreement of the 20th September 1900, by which the taxation of land shall not exceed that on similar land in Lower Burmah is hereby removed

British subjects in Siam shall be exempt from all military service either in the army or navy, and from all forced loans or military exactions or contributions

ARTICLE 7

The provisions of all Treaties, Agreements, and Conventions between Great Britain and Siam, *not modified by the present Treaty remain in full force*

ARTICLE 8

The present Treaty shall be *ratified within four months from its date*

In witness whereof the respective Plenipotentiaries have signed the present Treaty and affixed their seals

Done at Bangkok, in duplicate, the 10th day of March, in the year 1909

RALPH PAGET

DEVAWONGSE VAROPRAKAR.

ANNEX 1

Boundary Protocol annexed to the Treaty dated March 10, 1909

The frontiers between the territories of His Majesty the King of Siam and the territory over which his suzerain rights have by the present Treaty been transferred to His Majesty the King of Great Britain and Ireland are as follows.—

Commencing from the most seaward point of the northern bank of the estuary of the Perlis River and thence north to the range of hills which is the watershed between the Perlis River on the one side and the Pujoh River on the other, then following the watershed formed by the said range of hills until it reaches the main watershed or dividing line between those rivers which flow into the Gulf of Siam on the one side and into the Indian Ocean on the other, following this main watershed so as to leave the sources of the Sungei Patani, Sungei Telubin, and Sungei Perak, to a point which is the source of the Sungei Pergau, then leaving the main watershed and going along the watershed separating the waters of the [illegible]

Pergau from the Sungei Telubin, to the hill called Bukit Jeli or the source of the main stream of the Sungei Golok. Thence the frontier follows the thalweg of the main stream of the Sungei Golok to the sea at a place called Kuala Tabar.

This line will leave the valleys of the Sungei Patani, Sungei Telubin, and Sungei Tanjung Mas and the valley on the left or west bank of the Golok to Siam and the whole valley of the Perak River and the valley on the right or east bank of the Golok to Great Britain.

Subjects of each of the parties may navigate the whole of the waters of the Sungei Golok and its affluents.

The island known as Pulo Langkawi, together with all the islets south of mid-channel between Terutau and Langkawi, and all the islands south of Langkawi shall become British. Terutau and the islets to the north of mid-channel shall remain to Siam.

With regard to the islands close to the west coast, those lying to the north of the parallel of latitude where the most seaward point of the north bank of the estuary of the Perlis River touches the sea shall remain to Siam, and those lying to the south of that parallel shall become British.

All islands adjacent to the eastern States of Kelantan and Tringganu, south of a parallel of latitude drawn from the point where the Sungei Golok reaches the coast at a place called Kuala Tabar, shall be transferred to Great Britain, and all islands to the north of that parallel shall remain to Siam.

A rough sketch of the boundary herein described is annexed hereto.*

2. The above-described boundary shall be regarded as final, both by the Government of His Britannic Majesty and that of Siam, and they mutually undertake that, so far as the boundary effects any alteration of the existing boundaries of any State or province, no claim for compensation on the ground of any such alteration made by any State or province so affected shall be entertained or supported by either.

3. It shall be the duty of the Boundary Commission, provided for in Article 3 of the Treaty of this date, to determine and eventually mark out the frontier above described.

If during the operations of delimitation it should appear desirable to depart from the frontier as laid down herein, such rectification shall not, under any circumstances, be made to the prejudice of the Siamese Government.

In witness whereof the respective Plenipotentiaries have signed the present Protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, 1909.

RALPH PAGET.

DEVAWONGSE VAROPRAKAR.

---

* Not reproduced.

ANNEX 2

Protocol concerning the Jurisdiction applicable in the Kingdom of Siam to British Subjects and annexed to the Treaty dated March 10 1909

SECTION 1 *International Courts shall be established at such places as may seem* desirable in the interests of the good administration of justice the selection of these places shall form the subject of an understanding between the British Minister at Bangkok and the Siamese Minister for Foreign Affairs

Sec 2 The jurisdiction of the International Courts shall extend—

1 In civil matters To all civil and commercial matters to which British subjects shall be parties

2 In penal matters To breaches of law of every kind whether committed by British subjects or to their injury

Sec 3 The right of evocation in the International Courts shall be exercised in accordance with the provisions of Article 8 of the Treaty of the 3rd September, 1883

The right of evocation shall cease to be exercised in all matters coming within the scope of codes or laws regularly promulgated as soon as the text of such cod or laws shall have been communicated to the British Legat on in Bangkok There shall be an understanding between the Ministry for Foreign Affairs and the British Legation at Bangkok for the disposal of cases pending at the time that the said codes and laws are communicated

Sec 4 In all cases whether in the International Courts or in the ordinary Siamese Courts in which a British subject is defendant or accused a European legal adviser shall sit in the Court of First Instance

In cases in which a British born or naturalized subject not of Asiatic descent may be a party a European adviser shall sit as a Judge in the Court of First Instance and where such British subject is defendant or accused the opinion of the adviser shall prevail

A British subject who is in the position of defendant or accused in any case arising in the provinces may apply for a change of venue and should the Court consider such change desirable the trial shall take place either at Bangkok or before the Judge in whose *Court the case would be tried at Bangkok Notice of* any such application shall be given to the British Consular officer

Sec 5 Article 9 of the Treaty of the 3rd September 1883 is repealed

Appeals against the decisions of the International Courts of First Instance shall be adjudged by the Siamese Court of Appeal at Bangkok Notice of all such appeals shall be communicated to His Britannic Majesty s Consul who shall have the right to give a written opinion upon the case to be annexed to the record

The judgment on appeal from either the International Courts or the ordinary Siamese Courts shall bear the signature of two European Judges

Sec. 6. An Appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court.

Sec. 7. No plea of want of jurisdiction based on the rules prescribed by the present Treaty shall be advanced in any Court after a defence on the main issue has been offered.

Sec. 8. In order to prevent difficulties which may arise in future from the transfer of jurisdiction contemplated by the present Treaty and Protocol, it is agreed—

(*a*) All cases in which action shall be taken subsequently to the date of the ratification of this Treaty shall be entered and decided in the competent International or Siamese Court, whether the cause of action arose before or after the date of ratification.

(*b*) All cases pending in His Britannic Majesty's Courts in Siam on the date of the ratification of this Treaty shall take their usual course in such Courts and in any Appeal Court until such cases have been finally disposed of, and the jurisdiction of His Britannic Majesty's Courts shall remain in full force for this purpose.

The execution of the judgment rendered in any such pending case shall be carried out by the International Courts.

In witness whereof the respective Plenipotentiaries have signed the present Protocol and affixed their seals.

Done at Bangkok, in duplicate, the 10th day of March, 1909.

RALPH PAGET.

DEVAWONGSE VAROPRAKAR.

ANNEX 3.

Mr. Paget to Prince Devawongse.

M. le Ministre. *March 10, 1909.*

IN view of the position of British possessions in the Malay Peninsula and of the contiguity of the Siamese Malay provinces with British-protected territory, His Majesty's Government are desirous of receiving an assurance that the Siamese Government will not permit any danger to arise to British interests through the use of any portion of the Siamese dominions in the peninsula for military or naval purposes by foreign Powers.

His Majesty's Government would therefore request that the Siamese Government shall not cede or lease, directly or indirectly, to any foreign Government any territory situated in the Malay Peninsula south of the southern boundary of the Monthon Rajaburi, or in any of the islands adjacent to the said territory; also that within the limits abovementioned a right to establish or lease any coaling station, to build or own any construction or repairing docks, or to occupy exclusively any

harbours the occupation of which would be likely to be prejudicial to British interests from a strategic point of view, shall not be granted to any foreign Government or Company

Since this assurance is desired as a matter of political expediency only, the phrase "coaling station" would not be held to include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade

RALPH PAGET

Prince Devawongse to Mr Paget

Foreign Office Bangkok,

M le Ministre, *March 10, 1909*

I HAVE the honour to acknowledge receipt of your note of this date in which you express the desire of your Government that the Siamese Government shall not cede or lease, directly or indirectly to any foreign Government any territory situated in the Malay Peninsula south of the southern boundary of the Monthon of Rajaburi or in any of the islands adjacent to the said territory also that within the limits abovementioned a right to establish or lease any coaling station to build or own any construction or repairing docks or to occupy exclusively any harbour the occupation of which would be likely to be prejudicial to British interests from a strategic point of view, shall not be granted to any foreign Government or Company

In reply, I beg to say that the Siamese Government gives its assurance to the above effect, taking note that the phrase coaling station shall not include such small deposits of coal as may be required for the purposes of the ordinary shipping engaged in the Malay Peninsula coasting trade

I avail, &c

DEVAWONGSE

Minister for Foreign Affairs

ANNEX 4

Prince Devawongse to Mr Paget

Foreign Office, Bangkok

M le Ministre, *March 10, 1909*

WITH reference to the provision contained in Article 4 of the Jurisdiction Protocol to the effect that in all cases in which a British subject is defendant or accused a European adviser shall sit in Court I would express the hope on behalf of His Majesty's Government, that His Britannic Majesty's Government will be prepared in due course to consider the question of a modification of or release from

this guarantee when it shall be no longer needed; and, moreover, that in any negotiations in connection with such a modification or release the matter may be treated upon its merits alone, and not as a consideration for which some other return should be expected.

The Siamese Government appreciates that a Treaty like the one signed to-day marks an advance in the administration of justice in the kingdom. The conclusion of such a Treaty is in itself a sign of progress. It is the intention of the Siamese Government to maintain the high standard in the administration of justice which it has set before it, and towards which it has been working for some time.

In this connection I take pleasure in acknowledging the contribution which Mr. J. Stewart Black has made to this work.

I wish also to say that provision will be made for the treatment of European prisoners according to the standard usual for such prisoners in Burmah and the Straits Settlements.

I avail, &c.

DEVAWONGSE,
Minister for Foreign Affairs.

Mr. Paget to Prince Devawongse.

M. le Ministre, *March 10, 1909.*

WITH reference to the guarantee contained in the first paragraph of Article 4 of the Jurisdiction Protocol, I have the honour to state that His Majesty's Government will be prepared in due course to consider the question of modification of or release from this guarantee when it shall no longer be needed. His Majesty's Government are also willing that in any negotiations in connection with such a modification or release the matter shall be treated upon its merits alone, and not as a consideration for which some other return shall be expected.

His Majesty's Government learn with much satisfaction that it is the intention of the Siamese Government to maintain the high standard in the administration of justice which it has set before it, and towards which it has been working for some time, and I may assure your Royal Highness that it will be the aim of His Majesty's Government in every manner to second the efforts of His Siamese Majesty's Government in this direction.

I wish also to say that the International Courts referred to in section 1 of the Protocol on Jurisdiction annexed to the Treaty signed to-day need not necessarily be Courts specially organised for this purpose. Provincial ("Monthon") Courts or District ("Muang") Courts may constitute International Courts, according as British subjects may be established in greater or less number within the jurisdiction of those Courts. The fact that an ordinary Court is designated as an International Court will have as a consequence the introduction into that ordinary Court of all the provisions relating to International Courts secured by the Protocol on Jurisdiction.

RALPH PAGET.

No XVIII

CONVENTION between GREAT BRITAIN and SIAM cancelling the CONVENTION of the 6TH APRIL 1897—1909

WHEREAS on the 6th day of April 1897 a Convention was signed at Bangkok between the Governments of His Majesty the King of Siam and His Majesty the King of Great Britain and Ireland and

WHEREAS the said Convention dealt with certain matters affecting a portion of the Malay Peninsula and

WHEREAS a Treaty has this day been signed between the two Governments which Treaty also deals with certain matters affecting a portion of the Malay Peninsula and

WHEREAS in the negotiations preceding the execution of said Treaty it was settled that the Convention abovementioned should be cancelled but that such cancellation should be by a separate instrument and not in the Treaty itself

Now therefore it is hereby mutually agreed by the Government of His Majesty the King of Siam acting by His Royal Highness Prince Devawongse Varoprakar Minister for Foreign Affairs and by the Government of His Majesty the King of Great Britain and Ireland acting by Ralph Paget Esquire Envoy Extraordinary and Minister Plenipotentiary that said Convention of the 6th April 1897 shall be and it hereby is cancelled The present agreement shall be as effective as though incorporated into said Treaty of this date notwithstanding anything contained in said Treaty

Signed and sealed at Bangkok in Siam on this 10th day of March 1909

DEVAWONGSE VAROPRAKAR

RALPH PAGET

No XIX

PROCES VERBAL between GREAT BRITAIN and SIAM for the ESTABLISHMENT of INTERNATIONAL COURTS at certain places in SIAM —SIGNED at BANGKOK 6TH JULY 1909

Pursuant to section 1 of the Protocol concerning the jurisdiction applicable [illegible]

His Britannic Majesty's Chargé d'Affaires in Siam have arrived at an understanding that the International Courts shall be established at the following places —

At Bangkok —Two Courts the location of which shall be selected by the Minister of Justice and in which a division of all matters arising shall be made by the

Minister of Justice in a manner that he may deem most convenient, with territorial jurisdiction throughout the Monthons or Provinces of Bangkok, Ayuthia, Nakon Chaisi, Rajburi, Chumpon, Nakon-Sawan, Pitsanuloke, Petchaboon, Korat, [illegible], [illegible], Prachin, and Chantaboon.

2. At Chiengmai.—One Court, the location of which shall be selected by the Minister of Justice, with territorial jurisdiction over the Monthon of Payap.

3. At Songkhla.—One Court, the location of which shall be selected by the Minister of Justice, with territorial jurisdiction over the Monthons of Nakon-Srithamarat and Pattani.

4. At Puket.—One Court, the location of which shall be selected by the Minister of Justice, with territorial jurisdiction over the Monthon of Puket.

Done at Bangkok, in duplicate, on this 6th day of July, 1909.

W. R. D. BECKETT.

DEVAWONGSE VAROPRAKAR.

No. XX.

PROCÈS-VERBAL signed by GREAT BRITAIN and SIAM for the ESTABLISHMENT of an INTERNATIONAL COURT at LAKON LAMPANG.—SIGNED at BANGKOK, 25TH AUGUST, 1910.

In pursuance of section 1 of the Protocol concerning the jurisdiction applicable in the Kingdom of Siam to British subjects, annexed to the Treaty of the 10th March, 1909, the undersigned, Arthur Peel, Esquire, His Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary, and His Royal Highness Prince Devawongse Varoprakar, His Siamese Majesty's Minister for Foreign Affairs, have arrived at an understanding that there shall be established at Lakon Lampang, in the Monthon of Payab, an International Court, the location of which shall be selected by the Minister of Justice. The territorial jurisdiction of said Court shall extend over the Muangs of Lakon Lampang, Phre, Nan and Tern.

As a result of the establishment of said Court at Lakon Lampang, the jurisdiction granted by the Procès-verbal of the 6th July, 1909, to the Court at Chiengmai over the Monthon of Payab is hereby modified, in so far as jurisdiction within the territory of the four Muangs abovementioned is now granted to the Court to be established at Lakon Lampang, instead of to the Court at Chiengmai.

Done at Bangkok, in duplicate, on this 25th day of August, 1910.

ARTHUR PEEL.

DEVAWONGSE VAROPRAKAR.

No XXI.

TREATY between the UNITED KINGDOM and SIAM respecting the EXTRADITION of FUGITIVE CRIMINALS

Signed at Bangkok, March 4 1911

[*Ratifications exchanged at London August 1 1911*]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas Emperor of India, and His Majesty the King of Siam, having judged it expedient with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated and being fugitives from justice should under certain circumstances be reciprocally delivered up, the said High Contracting Parties have named as their plenipotentiaries to conclude a Treaty for this purpose that is to say —

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas Emperor of India Arthur Peel Esquire, His Envoy Extraordinary and Minister Plenipotentiary at the Court of Bangkok, etc

And His Majesty the King of Siam H R H Prince Devawongse Varoprakar, His Minister for Foreign Affairs etc

Who having communicated to each other their respective full powers found in good and due form have agreed upon and concluded the following articles —

ARTICLE 1

The High Contracting Parties engage to deliver up to each other persons over whom they respectively exercise jurisdiction who being accused or convicted of a crime or offence committed in the territory of the one Party shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty

ARTICLE 2

The crimes or offences for which the extradition is to be granted are the following —

1 Murder, or attempt or conspiracy to murder
2 Manslaughter
3 Assault occasioning actual bodily harm Malicious wounding or inflicting grievous bodily harm
4 Counterfeiting or altering money or uttering counterfeit or altered money.
5 Knowingly making any instrument, tool or engine adapted or intended for counterfeiting coin

6. Forgery, counterfeiting, or altering or uttering what is forged or counterfeited, or altered.
7. Embezzlement or larceny.
8. Malicious injury to property, by explosives or otherwise, if the offence be indictable.
9. Obtaining money, goods, or valuable securities by false pretences.
10. Receiving money, valuable security, or other property, knowing the same to have been stolen, embezzled, or unlawfully obtained.
11. Crimes against bankruptcy law.
12. Fraud by a bailee, banker, agent, factor, trustee, or director, or member or public officer of any company made criminal by any law for the time being in force.
13. Perjury or subornation of perjury.
14. Rape.
15. Carnal knowledge, or any attempt to have carnal knowledge of a girl under the age of puberty, according to the laws of the respective countries.
16. Indecent-assault.
17. Procuring miscarriage, administering drugs, or using instruments with intent to procure the miscarriage of a woman.
18. Abduction.
19. Child stealing.
20. Abandoning children, exposing or unlawfully detaining them.
21. Kidnapping and false imprisonment.
22. Burglary or housebreaking.
23. Arson.
24. Robbery with violence.
25. Any malicious act done with intent to endanger the safety of any person in a railway train.
26. Threats by letter or otherwise, with intent to extort.
27. Piracy by law of nations.
28. Sinking or destroying a vessel at sea, or attempting or conspiring to do so.
29. Assaults on board a ship on the high seas, with intent to destroy life, or do grievous bodily harm.
30. Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.
31. *Dealing in slaves in such a manner as to constitute* a criminal offence against the laws of both States.

Extradition is to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both contracting Parties,

Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the law of both of the contracting Parties for the time being in force, the grant can be made

ARTICLE 3

Either Government, may, at its absolute discretion, refuse to deliver up its own subjects to the other Government

ARTICLE 4

The extradition shall not take place if the person claimed on the part of the Government of the United Kingdom or the person claimed on the part of the Government of Siam, has already been tried and discharged or punished or is still under trial in the territory of Siam or in the United Kingdom respectively for the crime for which his extradition is demanded

If the person claimed on the part of the Government of the United Kingdom, or if the person claimed on the part of the Government of Siam should be under examination for any crime in the territory of Siam or in the United Kingdom respectively, his extradition shall be deferred until the conclusion of the trial and the full execution of any punishment awarded to him

ARTICLE 5

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is deemed by the Party on whom the demand is made to be one of a political character, or if he prove that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character

ARTICLE 6.

A person surrendered can in no case be detained or tried in the State to which the surrender has been made for any other crime or on account of any other matters than those for which the extradition shall have taken place until he has been restored or had an opportunity of returning to the State by which he has been surrendered

This stipulation does not apply to crimes committed after the extradition

ARTICLE 7.

The requisition for extradition shall be made through the diplomatic agents of the High Contracting Parties respectively

The requisition for the extradition of the accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition and by such evidence as according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed

If the requisition for extradition relates to a person already convicted, it must be accompanied by a copy of the judgment passed on the convicted person by the competent court of the State that makes the requisition.

A sentence passed *in contumaciam* is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

ARTICLE 8.

If the requisition for extradition be in accordance with the foregoing stipulations the competent authorities of the State applied to shall proceed to the arrest of the fugitive. The prisoner is then to be brought before a competent Magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the same country.

ARTICLE 9.

When either of the contracting Parties considers the case urgent it may apply for the provisional arrest of the criminal and the safe keeping of any objects relating to the offence.

Such request will be granted, provided the existence of a sentence or warrant of arrest is proved, and the nature of the offence of which the fugitive is accused is clearly stated.

The warrant of arrest to which this Article refers should be issued by the com petent authorities of the country applying for extradition. The accused shall on arrest be sent as speedily as possible before a competent Magistrate.

ARTICLE 10.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences iss ed therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:—

1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State.

2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be the true copies thereof, as the case may require.

3. A certificate of or judicial document stating the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State.

4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice or some other Minister

of the other State, but any other mode of authentication for the time being permitted by the law of the country where the examination is taken may be substituted for the foregoing

ARTICLE 11.

The extradition shall not take place unless the evidence be found sufficient according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could at the time of such conviction, have been granted by the State applied to The fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender

ARTICLE 12

If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers his extradition shall be granted to that State whose demand is earliest in date.

ARTICLE 13

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive or within such further time as the State applied to, or the proper tribunal thereof shall direct the fugitive shall be set at liberty

ARTICLE 14

All articles seized which were in the possession of the person to be surrendered, at the time of his apprehension, shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof be given up when the extradition takes place and the said delivery shall extend not merely to the stolen articles but to everything that may serve as a proof of the crime

ARTICLE 15

The High Contracting Parties renounce any claim for the reimbursement of the expenses incurred by them in the arrest and maintenance of the person to be surrendered and his conveyance till placed on board the ship they reciprocally agree to bear such expenses themselves

ARTICLE 16

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of His Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow

The requisition for the surrender of a fugitive criminal who has taken refuge in any such Colony or foreign possession may be made to the Governor or chief authority of such Colony or possession by any person authorised to act in such Colony or possession as a consular officer of Siam.

Such requisitions may be disposed of, subject always, as nearly as may be, and so far as the laws of such Colonies or foreign possessions will allow to the provisions of this Treaty, by the said Governors or chief authorities, who, however, shall be at liberty either to grant the surrender or to refer the matter to His Britannic Majesty's Government.

His Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of criminals from Siam who may take refuge within such Colonies and foreign possessions, on the basis, as nearly as may be, and so far as the laws of such Colonies or foreign possessions will allow, of the provisions of the present Treaty.

Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign possession of His Britannic Majesty shall be governed by the rules laid down in the preceding articles of the present Treaty.

ARTICLE 17.

The present Treaty shall come into force ten days after its publication, in confo mity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified, and the ratifications snall be exchanged at London, as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done in duplicate at Bangkok, the fourth day of March, 1911, in the 129th Year of "Ratanakosindr."

ARTHUR PEEL.

DEVAWONGSE VAROPRAKAR.

No. XXII.

CONVENTION between the UNITED KINGDOM and SIAM respecting the SETTLEMENT of ENEMY DEBTS referred to in SECTION III of PART X of the TREATY of VERSAILLES of JUNE 28, 1919.

Signed at London, December 20, 1921.

[*Ratifications exchanged at London, April 20, 1922.*]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty

the King of Siam, with a view to the settlement of certain matters arising under Article 296 of the Treaty of Peace between the Allied and Associated Powers and Germany, signed at Versailles on the 28th June, 1919, have named as their Plenipotentiaries —

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India The Most Honourable the Marquess Curzon of Kedleston, K G, His Majesty's Principal Secretary of State for Foreign Affairs, and

His Majesty the King of Siam Phya Buri Navarasth, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St James

Who having communicated to each other their respective full powers found to be in good and due form have agreed as follows —

ARTICLE 1

The provisions of Section III of Part X of the Treaty of Versailles of the 28th June, 1919, so far as they relate to enemy debts shall apply subject to the provisions of the present Convention to Siamese nationals resident within the United Kingdom and India, British Colonies not possessing responsible Government and British Protectorates (with the exception of Egypt) in the same way and under the same conditions as to British nationals residing within these territories

ARTICLE 2

Similarly the provisions of Section III of Part X of the Treaty of Versailles of the 28th June, 1919, so far as they relate to enemy debts shall apply subject to the provisions of the present Convention, to British nationals resident in Siam in the same way and under the same conditions as to Siamese nationals residing within these territories

ARTICLE 3

Each of the High Contracting Parties is authorised to collect the debts of the nationals of the other High Contracting Party resident within its territory to German nationals admitted or found due in accordance with the provisions of Article 296 and the Annex thereto and shall be responsible for accounting to Germany for such debts in accordance with § (b) of Article 296

Each of the High Contracting Parties shall effect payment to the nationals of the other High Contracting Party resident within its territory of the debts admitted or found due to them in accordance with the provisions of Article 296 and the Annex thereto Payment in full shall be effected upon admission, subject to deduction of 2½ per cent, or, in the case of Colonies and Protectorates, such other percentage as may under local regulations be chargeable to nationals of the High Contracting Party effecting payment

ARTICLE 4.

This Convention is only applicable to the payment of enemy debts coming within paragraphs 1 and 2 of Article 296.

ARTICLE 5.

Difficulties arising in the application of the present Convention shall be settled by direct agreement between the Controllers of the two Clearing Offices In case of disagreement the difficulty will be submitted to arbitration.

ARTICLE 6.

This Convention, when duly ratified, shall be notified to Germany, and the period of six months referred to in paragraph 5 of the Annex to Section III of the Treaty shall begin to run as from the date of such notification.

In witness whereof the Undersigned have signed the present Convention and have affixed thereto their seals.

Done in duplicate at London, the 20th day of December, 1921.

CURZON OF KEDLESTON.

BURI NAVARASTH.

No. XXIII.

TREATY between the UNITED KINGDOM and SIAM for the Revision of their MUTUAL TREATY ARRANGEMENTS and PROTOCOL concerning JURISDICTION applicable in SIAM to BRITISH SUBJECTS, ETC.

Signed at London, July 14, 1925.

[*Ratifications exchanged at London, March 30, 1926.*]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam being desirous of maintaining and strengthening the relations of friendship which happily exist between them, have resolved to proceed to a revision of their mutual treaty arrangements, and have for that purpose named as their plenipotentiaries, that is to say:

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India

The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam

Phya Prabha Karawongse, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles —

ARTICLE 1.

His Britannic Majesty recognises that the principle of national autonomy shall apply to the Kingdom of Siam in all that pertains to the imposition of customs duties on the importation and exportation of merchandise to drawbacks and to transit and all other taxes and impositions, and, subject to the condition of equality of treatment with other nations in these respects His Britannic Majesty agrees to assent to the imposition in Siam of customs duties higher than those established by existing treaties on the further condition however that all other nations entitled to claim the benefit of special rates of customs duties in Siam assent to such higher duties freely and without the requirement of any compensatory benefit or privilege

ARTICLE 2

The subjects of each of the high contracting parties shall have free access to the Courts of Justice of the other in pursuit and defence of their rights they shall be at liberty equally with native subjects and with the subjects or citizens of the most favoured nation to choose and employ lawyers advocates and representatives to pursue and defend their rights before such courts There shall be no conditions or requirements imposed upon British subjects in connection with such access to the Courts of Justice in Siam which do not apply to native subjects or to the subjects or citizens of the most favoured nation

ARTICLE 3

The subjects of each of the high contracting parties shall be entitled in the territories of the other, provided that they comply with the laws and regulations in force, to engage in religious and charitable work, to open and conduct educational establishments and to do anything incidental to or necessary for those purposes, upon the same terms as native subjects

The subjects of each of the high contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws and regulations in force, shall enjoy the right of private and public exercise of their religion

ARTICLE 4

The vessels of war of each of the high contracting parties may enter, remain and make repairs in those ports and places of the other to which the vessels of war of other nations are accorded access, they shall there submit to the same regulations and enjoy the same honours advantages, privileges and exemptions as are now or may hereafter be conceded to the vessels of war of any other nation.

ARTICLE 5.

From the date of the exchange of ratifications of the present treaty and of the Treaty of Commerce and Navigation between the United Kingdom and Siam, concluded at London on the 14th July, 1925,* the following treaties, conventions and agreements between the two high contracting parties shall cease to be binding :—

The Treaty signed on the 20th June, 1826, together with the additional articles thereto ratified on the 17th January, 1827.

The Treaty of Friendship and Commerce signed at Bangkok on the 18th April, 1855, together with the agreement supplementary thereto, signed at Bangkok on the 13th May, 1856.

The Agreement for Regulating the Traffic in Spirituous Liquors, signed at London on the 6th April, 1883.

The Treaty for the Prevention of Crime and the Promotion of Commerce, signed at Bangkok on the 3rd September, 1883, together with the Exchange of Notes in 1896 extending the operation of that treaty in Siam.

The Treaty concerning certain boundaries and the jurisdiction of Siamese courts, signed at Bangkok on the 10th March, 1909, together with annexes thereto.

Provided, however, that articles 1, 2, 3 and 4, and Annexes I and III of the treaty signed at Bangkok on the 10th March, 1909, together with all provisions of any treaty in force at the time of the signature of the present treaty, which fix or delimit the boundary between Siam and British possessions or protectorates, shall remain in force.

ARTICLE 6.

The provisions of the agreement on the registration of British subjects in Siam, signed at Bangkok on the 29th November, 1899, as extended in accordance with the note dated the 3rd October 1910, from His Royal Highness the Minister for Foreign Affairs of Siam to His Britannic Majesty's Minister at Bangkok, remain in force and shall be applicable for the purposes of the present treaty and of the Commercial Treaty signed this day except in so far as articles 4 and 5 of the said agreement are inconsistent with the terms of the treaties signed this day or of the jurisdiction protocol attached to the present treaty.

The provisions of the said agreement relating to persons of Asiatic descent born within His Majesty's dominions and to their children born in Siam shall respectively extend to persons to whom the said agreement does not apply and who enjoy the protection of His Britannic Majesty by virtue of being citizens of or born in British protectorates, British-protected States or territories in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty, and to the children of such persons.

---

* *Treaty Series No. 8 (1926) (Cmd. 2643).*

Article 7

The provisions of the present treaty which apply to subjects of the high contracting parties shall also be applicable to limited liability and other companies partnerships and associations duly constituted in accordance with the laws of such high contracting parties

Article 8

The provisions of the present treaty which apply to British subjects shall also be deemed to apply to all persons who both enjoy the protection of His Britannic Majesty and are entitled to registration in Siam in accordance with article 6 of the present treaty

Article 9

The stipulations of articles 2 3 and 4 of the present treaty shall not be applicable to India or to any of His Britannic Majesty s self governing dominions colonies, possessions or protectorates unless notice is given by His Britannic Majesty s representative at Bangkok of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory

Article 10

The terms of the preceding article relating to India and to His Britannic Majesty s self governing dominions colonies possessions and protectorates shall apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty

Article 11

The present treaty shall come into effect on the date of the exchange of ratifications and shall remain in force for ten years from that date

In case neither of the high contracting parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intent to terminate the present treaty it shall remain in force until the expiration of one year from the date on which either of the high contracting parties shall have denounced it

It is clearly understood however that such denunciation shall not have the effect of reviving any of the treaties conventions arrangements or agreements abrogated by former treaties or agreements or by article 5 hereof

As regards India or any of His Britannic Majesty s self governing dominions colonies possessions or protectorates or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of articles 2 3 and 4 of the present treaty shall have been made applicable under article 9 or 10 either of the high contracting parties shall have the right to terminate it separately on giving twelve months notice to that

effect. Such notice, however, cannot be given so as to take effect before the termination of the period of ten years mentioned in the first paragraph of this article, except in the case of His Britannic Majesty's self-governing dominions (including territories administered by them under mandate) and the colony of Southern Rhodesia, in respect of which notice of termination may be given by either high contracting party at any time.

ARTICLE 12.

This treaty shall be ratified and the ratifications thereof shall be exchanged at London as soon as possible.

In witness whereof the respective plenipotentiaries have signed the present treaty, and have thereunto affixed their seals.

Done in duplicate in the English language, at London, the 14th day of July, in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 14th day of the 4th month in the 2468th year of the Buddhist era.

AUSTEN CHAMBERLAIN.

PRABHA KARAWONGSE.

ANNEX.

PROTOCOL concerning JURISDICTION applicable in the KINGDOM of SIAM to BRITISH SUBJECTS and OTHERS ENTITLED to BRITISH PROTECTION.

At the moment of proceeding this day to the signature of the General Treaty between His Majesty the King of Siam and His Britannic Majesty, the plenipotentiaries of the two high contracting parties have agreed as follows :—

ARTICLE 1.

The system of jurisdiction heretofore established in Siam for British subjects and the privileges, exemptions and immunities now enjoyed by British subjects in Siam as a part of, or appurtenant to the said system, shall absolutely cease and determine on the date of the exchange of ratifications of the above-mentioned treaty, and thereafter all British subjects, corporations, companies and associations, and all British-protected persons in Siam shall be subject to the jurisdiction of the Siamese courts.

ARTICLE 2.

Until the promulgation and putting into force of all the Siamese codes, namely, the Penal Code, the Civil and Commercial Code, the Codes of Procedure and the Law for Organisation of Courts, and for a period of five years thereafter, but no longer, His Britannic Majesty, through his diplomatic and consular officials in Siam, whenever in his discretion he deems it proper so to do in the interest of justice, may, by means of a written requisition addressed to the judge or judges of the court in which such case is pending, evoke any case pending in any Siamese court

except the Supreme or Dika Court, in which a British subject corporation, company or association or a British protected person is defendant or accused

Such case shall then be transferred to the said diplomatic or consular official for adjudication and the jurisdiction of the Siamese courts over such case shall thereupon cease Any case so evoked shall be disposed of by the said diplomatic or consular official in accordance with English law, except that as to all matters coming within the scope of codes or laws of the Kingdom of Siam regularly promulgated and in force the texts of which have been communicated to the British Legation in Bangkok the rights and liabilities of the parties shall be determined by Siamese law

For the purpose of trying such cases and of executing any judgments which may be rendered therein, the jurisdiction of the said diplomatic and consular officials in Siam is continued

Should His Britannic Majesty perceive, within a reasonable time after the promulgation thereof, any objection to the said codes namely the Penal Code, the Civil and Commercial Code the Codes of Procedure and the Law for Organisation of Courts the Siamese Government will endeavour to take such objections into account

Article 3

Appeals from judgments of Courts of First Instance in cases to which British subjects, corporations companies or associations or British protected persons may be parties shall be adjudged by the Court of Appeal at Bangkok

An appeal on a question of law shall lie from the Court of Appeal at Bangkok to the Supreme or Dika Court

A British subject corporation, company or association or British protected person, who is defendant or accused in any case arising in the provinces may apply for a change of venue, and should the court consider such change desirable the trial shall take place either at Bangkok or before the judge in whose court the case would be tried at Bangkok

The provisions of this article shall remain in force so long as the right of evocation continues to exist in accordance with article 2

Article 4

In order to prevent difficulties which may arise from the transfer of jurisdiction contemplated by the present protocol it is agreed as follows —

(a) All cases instituted subsequently to the date of the exchange of ratifications of the abovementioned treaty shall be entered and decided in the Siamese courts whether the cause of action arose before or after the date of said exchange of ratifications

(b) All cases pending before the diplomatic and consular officials of His Britannic Majesty in Siam on the said date shall take their usual course before such officials until such cases have been finally disposed of, and

the jurisdiction of the said diplomatic and consular officials shall remain in full force for this purpose.

In connection with any case coming before the said diplomatic or consular officials under clause (b) of this article, or which may be evoked by the said officials under article 2, the Siamese authorities shall upon request by such diplomatic or consular officials lend their assistance in all matters pertaining to the case.

In witness whereof the undersigned plenipotentiaries have signed the present protocol and affixed thereto their seals.

AUSTEN CHAMBERLAIN.

PRABHA KARAWONGSE.

No. XXIV.

TREATY of COMMERCE and NAVIGATION between the UNITED KINGDOM and SIAM.

Signed at London, July 14, 1925.

[Ratifications exchanged at London, March 30, 1926.]

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam being desirous of facilitating and extending the commercial relations already existing between their respective countries have determined to conclude a Treaty of Commerce and Navigation with this object, and have appointed as their plenipotentiaries, that is to say :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India :

The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs ; and

His Majesty the King of Siam :

Phya Prabha Karawongse, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty ;

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following articles :—

ARTICLE 1.

There shall be between the territories of the two contracting parties reciprocal freedom of commerce and navigation.

The subjects of each of the two contracting parties, upon conforming themselves to the laws and regulations applicable generally to native subjects, shall have liberty freely and securely to come, with their ships and cargoes, to all places and ports in the territories of the other to which subjects of that contracting party

are or may be, permitted to come, and shall enjoy the same rights, privilege liberties, favours, immunities and exemptions in matters of commerce and nav gation as are, or may be, enjoyed by subjects of that contracting party.

ARTICLE 2

The subjects of either of the two contracting parties shall be entitled to ente travel and reside in the territories of the other so long as they satisfy and observ the conditions and regulations applicable to the entry, travelling and residen of all foreigners

ARTICLE 3.

The dwellings, warehouses, factories and shops, and all other property of th subjects of each of the two contracting parties in the territories of the other, an all premises appertaining thereto, used for purposes of residence or commerce, sha be respected Except under the conditions and with the forms prescribed by th laws, ordinances and regulations for native subjects or for the subjects or citizen of the most favoured foreign country, no domiciliary visit shall be institute and no search of any such buildings or premises be carried out, nor shall book papers or accounts be examined or inspected.

ARTICLE 4

In so far as taxes rates, customs duties imposts fees which are substantiall taxes and any other similar charges are concerned the subjects of each of the tw contracting parties in the territories of the other shall enjoy, in respect of thei persons, their property, rights and interests, and in respect of their commerce, in dustry, profession, occupation or any other matter, in every way the same treat ment as the subjects of that party or the subjects or citizens of the most favoure foreign country

ARTICLE 5

With respect to all forestry undertakings, and to searches for minerals (includ ing oil) and mining operations (including oil wells), in Siam, British subjects and companies, partnerships and associations established in His Britannic Majesty territories shall be entitled to treatment not less favourable than that which is or may hereafter be, accorded to Siamese subjects or the subjects or citizens of any other foreign country

ARTICLE 6

The two contracting parties agree that in all matters relating to commercial or industrial pursuits or the exercise of professions or occupations, any privilege favour or immunity which either of the two contracting parties has actually granted or may hereafter grant, to the subjects or citizens of any other foreign country shall be extended, simultaneously and unconditionally, without request and without compensation, to the subjects of the other, it being their intention that the pursuit of commerce and industry in the territories of each of the two contracting parties shall be placed in all respects on the footing of the most favoured nation

ARTICLE 7.

The subjects of each of the two contracting parties in the territories of the other shall be at full liberty to acquire and possess every description of property, movable and immovable, which the laws of the other contracting party permit, or shall permit, the subjects or citizens of any other foreign country to acquire and possess. They may dispose of the same by sale, exchange, gift, marriage, testament or in any other manner, or acquire the same by inheritance, under the same conditions as are, or shall be, established with regard to subjects of the other contracting party, or the subjects or citizens of the most favoured foreign country.

They shall not be subjected in any of the cases mentioned in the foregoing paragraph to any taxes, imposts or charges of whatever denomination other or higher than those which are, or shall be, applicable to native subjects, or to the subjects or citizens of the most favoured foreign country.

They shall also be permitted to export their property and their goods in general, and shall not be subjected in these matters to any other restrictions or to any other or higher duties than those to which native subjects or the subjects or citizens of any other foreign country would be liable in similar circumstances.

In all these matters British subjects shall continue to enjoy in Siam the same rights and, subject to the provisions of articles 4 and 8 of the present treaty, be subject to the same obligations as those which were provided for by article 6 of the Anglo-Siamese Treaty signed at Bangkok on the 10th March, 1909.

ARTICLE 8.

In all that relates to compulsory military service and to the exercise of compulsory judicial, administrative and municipal functions, the subjects of one of the two contracting parties shall not be accorded in the territories of the other less favourable treatment than that which is, or may be, accorded to subjects or citizens of the most favoured foreign country.

British subjects in Siamese territory shall be exempted from all compulsory military service whatsoever whether in the army, navy, air force, national guard or militia. They shall similarly be exempted from all forms of compulsory manual labour (except in cases of sudden and unexpected occurrences involving great public danger, or where Siamese law gives the option of performing such labour in lieu of the payment of taxes) and from the exercise of all compulsory judicial, administrative and municipal functions whatever, as well as from all contributions, whether in money or in kind, imposed as an equivalent for such personal service, and finally from all forced loans, whether in money or in kind, and from all military exactions or contributions.

It is, however, understood that British subjects shall continue as heretofore to be liable to capitation tax.

ARTICLE 9.

Articles produced or manufactured in the territories of one of the two contracting parties, imported into the territories of the other, from whatever place arriving

shall not be subjected to other or higher duties or charges than those paid on the like articles produced or manufactured in any other foreign country Nor shall any prohibition or restriction be maintained or imposed on the importation of any article produced or manufactured in the territories of either of the two contracting parties into the territories of the other from whatever place arriving which shall not equally extend to the importation of the like articles produced or manufactured in any other foreign country

The only exceptions to this general rule shall be in the case of the sanitary or other prohibitions occasioned by the necessity of securing the safety of persons, or the protection of animals or plants against diseases or pests and of the measures applicable in the territories of either of the two contracting parties with respect to articles enjoying a direct or indirect bounty in the territories of the other contracting party

ARTICLE 10

The following articles manufactured in any of His Britannic Majesty's territories to which this treaty applies viz cotton yarns threads fabrics and all other manufactures of cotton iron and steel and manufactures thereof and machinery and parts thereof shall not on importation into Siam be subjected to any customs duty in excess of 5 per cent *ad valorem* during the first ten years after this treaty has come into force

It is understood that the articles to which this provision applies shall be those included in the groups III (i) III (c) and III (r) in volume I of the Annual Statement of the Trade of the United Kingdom for 1923 compiled in the Statistical Office of the British Customs and Excise Department

It is further understood that in regard to particular classes of the above-mentioned articles customs duties may be imposed on a specific basis provided that such specific duties do not in any case exceed in amount the equivalent of 5 per cent *ad valorem*

ARTICLE 11

Drawback of the full amount of duty shall be allowed upon the exportation from Siam of all goods previously imported into Siam from His Britannic Majesty's territories which though landed have not gone into consumption in Siam or been subjected there to any process

Nevertheless His Britannic Majesty will not claim the advantages of this article in so far as exports of filled gunny bags are concerned so long as the duty leviable on the importation of gunny bags into Siam from the territories of His Britannic Majesty shall not exceed 1 per cent *ad valorem*

ARTICLE 12

As soon as possible and in any case within six months of the coming into force of this treaty a supplementary convention shall be concluded between the two contracting parties which shall determine all matters incidental to the application of the duties specified in articles 10 and 11 of this treaty

ARTICLE 13.

Any prohibitions or restrictions, whether by the creation or maintenance of a monopoly or otherwise, which are, or may hereafter be, imposed in Siam on the importation, purchase and sale of arms and ammunition shall not be so framed or administered as to prevent British subjects, firms and companies from obtaining adequate supplies of industrial explosives for use in their industries, it being understood that nothing in this article shall preclude the Siamese Government from enforcing such reasonable regulations as may be required in the interests of public safety.

ARTICLE 14.

Each of the two contracting parties undertakes to inform the other of its intention to establish any monopoly with a view to securing that the monopoly shall interfere as little as possible with the trade between the territories of the two contracting parties.

In the event of the establishment of any such monopoly, the question of the payment of compensation, and the amount, if any, of such compensation which shall be paid to the subjects or companies, partnerships or associations of one of the two contracting parties established in the territories of the other, shall be settled by mutual agreement between the two contracting parties or by arbitration.

Nothing in this article shall require the payment of compensation in the event of the establishment of a monopoly relating to opium or other drugs included now or hereafter within the scope of the International Opium Agreement and of the International Opium Convention signed at Geneva on the 11th February, 1925, and the 19th February, 1925, respectively.

ARTICLE 15.

Articles produced or manufactured in the territories of either of the two contracting parties, exported to the territories of the other, shall not be subjected to other or higher duties or charges than those paid on the like articles exported to any other foreign country. Nor shall any prohibition or restriction be imposed on the exportation of any article from the territories of either of the two contracting parties to the territories of the other which shall not equally extend to the exportation of the like articles to any other foreign country.

Nothing in this article shall apply to any prohibition or restriction imposed on the exportation of opium or other dangerous drugs included within the scope of the International Opium Convention signed at Geneva on the 19th February, 1925.

ARTICLE 16.

Articles exported from Siam to His Britannic Majesty's territories shall not from the time of production to the date of shipment pay more than one impost, whether this be levied as an inland or transit duty or paid on exportation.

Where the Siamese Government has granted concessions which provide for payments to the Government in respect of the product to which the concession

relates on the understanding that an inland duty formerly levied should be withdrawn the payments in question shall be held to include an impost for the purpose of this article

ARTICLE 17.

Having regard to the provisions of article 7 of the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November 1923 the two contracting parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitrary or unjust application of their laws and regulations with regard to customs and other similar matters and to ensure redress by administrative, judicial or arbitral procedure for those who have been prejudiced by such abuses

ARTICLE 18

Internal duties levied within the territories of either of the two contracting parties for the benefit of the State or local authorities on goods the produce or manufacture of the territories of the other party shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin, provided that in no case shall such duties be more burdensome than the duties levied in similar circumstances on the like goods of any other foreign country

ARTICLE 19

The two contracting parties agree with respect to the treatment of commercial travellers and samples, to accord to each other all those facilities and privileges which are set out in the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November 1923

Any further facilities or privileges accorded by either party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other party

ARTICLE 20

Limited liability and other companies, partnerships and associations formed for the purpose of commerce insurance, finance, industry, transport or any other business and established in the territories of either party, shall provided that they have been duly constituted in accordance with the laws in force in such territories be entitled in the territories of the other to exercise their rights and appear in the courts either as plaintiffs or defendants, subject to the laws of such other party

Each of the two contracting parties undertakes to place no obstacle in the way of such companies partnerships and associations which may desire to carry on in its territories whether through the establishment of branches or otherwise, any description of business which the companies, partnerships and associations of any other foreign country are, or may be, permitted to carry on

Limited liability and other companies, partnerships and associations of either party shall enjoy in the territories of the other treatment in regard to taxation

ARTICLE 13.

Any prohibitions or restrictions, whether by the creation or maintenance of monopoly or otherwise, which are, or may hereafter be, imposed in Siam on the importation, purchase and sale of arms and ammunition shall not be so framed or administered as to prevent British subjects, firms and companies from obtaining adequate supplies of industrial explosives for use in their industries, it being understood that nothing in this article shall preclude the Siamese Government from enforcing such reasonable regulations as may be required in the interests of public safety.

ARTICLE 14.

Each of the two contracting parties undertakes to inform the other of its intention to establish any monopoly with a view to securing that the monopoly shall interfere as little as possible with the trade between the territories of the two contracting parties.

In the event of the establishment of any such monopoly, the question of the payment of compensation, and the amount, if any, of such compensation which shall be paid to the subjects or companies, partnerships or associations of one of the two contracting parties established in the territories of the other, shall be settled by mutual agreement between the two contracting parties or by arbitration.

Nothing in this article shall require the payment of compensation in the event of the establishment of a monopoly relating to opium or other drugs included now or hereafter within the scope of the International Opium Agreement and of the International Opium Convention signed at Geneva on the 11th February, 1925, and the 19th February, 1925, respectively.

ARTICLE 15.

Articles produced or manufactured in the territories of either of the two con tracting parties, exported to the territories of the other, shall not be subjected t other or higher duties or charges than those paid on the like articles exported any other foreign country. Nor shall any prohibition or restriction be impo on the exportation of any article from the territories of either of the two contract parties to the territories of the other which shall not equally extend to the expo tion of the like articles to any other foreign country.

Nothing in this article shall apply to any prohibition or restriction im on the exportation of opium or other dangerous drugs included within the of the International Opium Convention signed at Geneva on the 19th Fe 1925.

ARTICLE 16.

Articles exported from Siam to His Britannic Majesty's territories from the time of production to the date of shipment pay more than o whether this be levied as an inland or transit duty or paid on exportation

Where the Siamese Government has granted concessions which P payments to the Government in respect of the product to which the

relates on the understanding that an inland duty formerly levied should be withdrawn the payments in question shall be held to include an impost for the purpose of this article

ARTICLE 17

Having regard to the provisions of article 7 of the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November 1923 the two contracting parties agree to take the most appropriate measures by their national legislation and administration both to prevent the arbitrary or unjust application of their laws and regulations with regard to customs and other similar matters and to ensure redress by administrative judicial or arbitral procedure for those who have been prejudiced by such abuses

ARTICLE 18

Internal duties levied within the territories of either of the two contracting parties for the benefit of the State or local authorities on goods the produce or manufacture of the territories of the other party shall not be other or greater than the duties levied in similar circumstances on the like goods of national origin, provided that in no case shall such duties be more burdensome than the duties levied in similar circumstances on the like goods of any other foreign country

ARTICLE 19

The two contracting parties agree with respect to the treatment of commercial *travellers and samples to accord to each other all those facilities and privileges* which are set out in the International Convention relating to the Simplification of Customs Formalities signed at Geneva on the 3rd November 1923

Any further facilities or privileges accorded by either party to any other foreign country in respect of commercial travellers or samples shall be extended unconditionally to the other party

ARTICLE 20

Limited liability and other companies partnerships and associations formed for the purpose of commerce insurance finance industry transport or any other business and established in the territories of either party shall provided that they have been duly constituted in accordance with *the laws in force in such territories* be entitled in the territories of the other to exercise their rights and appear in the courts either as plaintiffs or defendants subject to the laws of such other party

Each of the two contracting parties undertakes to place no obstacle in the way of such companies partnerships and associations which may desire to carry on in its territories whether through the establishment of branches or otherwise any description of business which the companies partnerships and associations of any other foreign country are or may be permitted to carry on

Limited liability and other companies partnerships and associations of either party shall enjoy in the territories of the other treatment in regard to taxation

no less favourable than that accorded to the limited liability and other companies, partnerships and associations of that party.

In no case shall the treatment accorded by either of the two contracting parties to companies, partnerships and associations of the other be less favourable in respect of any matter whatever than that accorded to companies, partnerships and associations of the most favoured foreign country.

ARTICLE 21.

Each of the two contracting parties shall permit the importation or exportation of all merchandise which may be legally imported or exported, and also the carriage of passengers from or to their respective territories, upon the vessels of the other, and such vessels, their cargoes and passengers shall enjoy the same privileges as, and shall not be subject to any other or higher duties, charges or restrictions than national vessels and their cargocs and passengers, or the vessels of any other foreign country and their cargoes and passengers.

ARTICLE 22.

In all that regards the stationing, loading and unloading of vessels in the ports docks, roadsteads and harbours of the territories of the two contracting parties, no privilege or facility shall be granted by either party to vessels of any other foreign country or to national vessels which is not equally granted to vessels of the other party from whatsoever place they may arrive and whatever may be their place of destination.

ARTICLE 23.

In regard to duties of tonnage, harbour, pilotage, lighthouse, quarantine or other analogous duties or charges of whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, corporations or establishments of any kind, the vessels of each of the two contracting parties shall enjoy in the ports of the territories of the other treatment at least as favourable as that accorded to national vessels or the vessels of any other foreign country.

ARTICLE 24.

The provisions of this treaty relating to the mutual concession of national treatment in matters of navigation do not apply to the coasting trade. In respect of the coasting trade, however, as also in respect of all other matters of navigation, the subjects and vessels of each of the contracting parties shall enjoy most-favoured-nation treatment in the territories of the other, in addition to any other advantages that may be accorded by this treaty.

The vessels of either contracting party may, nevertheless, proceed from one port to another port in the territories of the other contracting party, either for the purpose of landing the whole or part of their cargoes or passengers brought from abroad, or of taking on board the whole or part of their cargoes or passengers for a foreign destination.

It is also understood that in the event of the coasting trade of either party being exclusively reserved to national vessels the vessels of the other party if engaged in trade to or from places not within the limits of the coasting trade so reserved, shall not be prohibited from the carriage between two ports of the territories of the former party of passengers holding through tickets or merchandise consigned on through bills of lading to or from places not within the above mentioned limits, and while engaged in such carriage these vessels and their passengers and cargoes shall enjoy the full privileges of this treaty

ARTICLE 25

Any vessels of either of the two contracting parties which may be compelled by stress of weather or by accident to take shelter in a port of the territories of the other shall be at liberty to refit therein to procure all necessary stores and to put to sea again without paying any dues other than such as would be payable in a similar case by a national vessels In case however the master of a merchant vessel should be under the necessity of disposing of a part of his merchandise in order to defray his expenses he shall be bound to conform to the regulations and tariffs of the place to which he may have come

If any vessel of one of the two contracting parties shall run aground or be wrecked upon the coasts of the territories of the other such vessels and all parts thereof and all furniture and appurtenances belonging thereto and all goods and merchandise saved therefrom including any which may have been cast into the sea or the proceeds thereof if sold as well as all papers found on board such stranded or wrecked vessel shall be given up to the owners of such vessel goods merchandise etc or to their agents when claimed by them If there are no such owners or agents on the spot then the vessel goods, merchandise etc referred to shall in so far as they are the property of a subject of the second contracting party be delivered to the consular officer of that contracting party in whose district the wreck or stranding may have taken place upon being claimed by him within the period fixed by the laws of that contracting party and such consular officer owners or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the like case of a wreck or stranding of a national vessel

The two contracting parties agree however, that merchandise saved shall not be subjected to the payment of any customs duty unless cleared for internal consumption

In the case of a vessel being driven in by stress of weather run aground or wrecked, the respective consular officer shall if the owner or master or other agent of the owner is not present, or is present and requires it be authorised to interpose in order to afford the necessary assistance to his fellow countrymen

ARTICLE 26

All vessels which, according to British law, are deemed to be British vessels, and all vessels which according to Siamese law, are deemed to be Siamese vessels,

shall, for the purposes of this treaty, be deemed British or Siamese vessels respectively.

ARTICLE 27.

It shall be free to each of the two contracting parties to appoint consuls-general, consuls, vice-consuls and consular agents to reside in the towns and ports of the territories of the other to which such representatives of any other nation may be admitted by the respective Governments. Such consuls-general, consuls, vice-consuls and consular agents, however, shall not enter upon their functions until after they shall have been approved and admitted in the usual form by the Government to which they are sent.

The consular officers of one of the two contracting parties shall enjoy in the territories of the other the same official rights, privileges and exemptions as are or may be accorded to similar officers of any other foreign country.

ARTICLE 28.

In the case of the death of a subject of one of the two contracting parties in the territories of the other, leaving kin but without leaving at the place of his decease any person entitled by the laws of his country to take charge of and administer the estate, the competent consular officer of the country to which the deceased belonged shall, upon fulfilment of the necessary formalities, be empowered to take custody of and administer the estate in the manner and under the limitations prescribed by the law of the country in which the property of the deceased is situated.

It is understood that in all that concerns the administration of the estates of deceased persons, any right, privilege, favour or immunity which either contracting party has actually granted, or may hereafter grant, to the consular officers of any other foreign country shall be extended immediately and unconditionally to the consular officers of the other contracting party.

ARTICLE 29.

The consular officers of one of the two contracting parties residing in the territories of the other shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of the former party. Provided that this stipulation shall not apply to subjects of the contracting party from whose local authorities assistance is requested.

ARTICLE 30.

The subjects of each of the two contracting parties shall have in the territories of the other the same rights as subjects of that contracting party in regard to patents for inventions, trade-marks, trade names, designs and copyright in literary and artistic works, upon fulfilment of the formalities prescribed by law.

ARTICLE 31

As soon as possible after the preponderating proportion of the imports into Siam is obtained from countries whose subjects or citizens shall have become subject to Siamese law and jurisdiction (even though still enjoying privileges under the right of evocation) the Siamese Government will promulgate and bring into operation laws for the proper regulation of the matters dealt with in article 30 and will also take the necessary measures for the regulation of merchandise marks by which imported products shall be protected from competition through false marks false indications of origin the short reeling of yarns and the false lapping of piece goods

ARTICLE 32

It is hereby understood and agreed that none of the stipulations of the present treaty by which Siam grants most favoured nation treatment is to be interpreted as *granting rights powers privileges or immunities arising solely by virtue of* the existence of rights of exemption from Siamese jurisdiction judicial administrative or fiscal, possessed by other foreign countries

ARTICLE 33.

The two contracting parties agree that any dispute that may arise between them as to the proper interpretation or application of any of the provisions of the present treaty shall, at the request of either party be referred to arbitration and both parties hereby undertake to accept as binding the arbitral award

The court of arbitration to which disputes shall be referred shall be the Permanent Court of International Justice at the Hague, unless in any particular case the two contracting parties agree otherwise

ARTICLE 34

The stipulations of the present treaty shall not be applicable to India or to any of His Britannic Majesty s self governing dominions, colonies possessions or protectorates unless notice is given by His Britannic Majesty's representative at Bangkok of the desire of His Britannic Majesty that the said stipulations shall apply to any such territory

Nevertheless goods produced or manufactured in India or in any of His Britannic Majesty's self governing dominions colonies possessions or protectorates shall enjoy *in Siam complete and unconditional most favoured nation* treatment so long as goods produced or manufactured in Siam are accorded in India, or such self governing dominion colony, possession or protectorate treatment *as favourable as* that accorded to goods produced or manufactured in any other foreign country

ARTICLE 35

The terms of the preceding article relating to India and to *His Britannic* Majesty's self governing dominions, colonies possessions and protectorates shall

apply also to any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty.

ARTICLE 36.

The provisions of the present treaty which apply to British subjects shall also be deemed to apply to all persons who both enjoy the protection of His Britannic Majesty and are entitled to registration in Siam in accordance with article 6 of the General Treaty signed this day.

ARTICLE 37.

The present treaty shall be ratified and the ratifications shall be exchanged at London as soon as possible. It shall come into force on the same day as the General Treaty between the two contracting parties signed this day, and shall be binding during ten years from the date of its coming into force. In case neither of the two contracting parties shall have given notice to the other twelve months before the expiration of the said period of ten years of its intention to terminate the present treaty, it shall remain in force until the expiration of one year from the date on which either of the two contracting parties shall have denounced it.

It is clearly understood that such denunciation shall not have the effect of reviving any of the treaties, conventions, arrangements or agreements abrogated by former treaties or agreements or by article 5 of the General Treaty signed this day.

As regards India or any of His Britannic Majesty's self-governing dominions, colonies, possessions or protectorates, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Britannic Majesty to which the stipulations of the present treaty shall have been made applicable under articles 34 and 35 either of the two contracting parties shall have the right to terminate it separately on giving twelve months' notice to that effect. Such notice, however, cannot be given so as to take effect before the termination of the period of ten years mentioned in the first paragraph of this article except in case of His Britannic Majesty's self-governing dominions (including territories administered by them under mandate) and the colony of Southern Rhodesia, in respect of which notice of termination may be given by either contracting party at any time.

In witness whereof the respective plenipotentiaries have signed the present treaty and have affixed thereto their seals.

Done in duplicate in the English language, at London, the 14th day of July in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 14th day of the 4th month in the 2468th year of the Buddhist era.

AUSTEN CHAMBERLAIN.

PRABHA KARAWONGSE.

NOTES exchanged between the UNITED KINGDOM and SIAM in connection with the GENERAL and COMMERCIAL TREATIES between the UNITED KINGDOM and SIAM, signed at LONDON on JULY 14, 1925

London, July 14—September, 15, 1925

No 1

The Siamese Minister to Mr Austen Chamberlain

Siamese Legation, London, July 14 1925

Sir,

In signing this day the general and commercial treaties between Great Britain and Siam, I have the honour to assure you, by order of my Government that it is not the present intention of the Royal Siamese Government to impose any new or increase any existing, export duties on teak, tin or rice

I have, etc ,

PRABHA KARAWONGSE

No 2

The Siamese Minister to Mr Austen Chamberlain

Siamese Legation, London, July 14, 1925

Sir,

I have the honour to inform you that when the time comes for the termination of the existence of the international or empowered courts cases then pending before the said courts to which British subjects are parties will take their usual course before the said courts until such cases have been finally disposed of and the jurisdiction of the said courts will remain in full force for this purpose

I have, etc ,

PRABHA KARAWONGSE

No 3

The Siamese Minister to Mr Austen Chamberlain

Siamese Legation, London, July 14, 1925

Sir,

In connection with the new treaties recently signed between our two Governments, I have the honour to inform you, by order of my Government that, in order to protect British interests with respect to non contentious probate matters under the régime effected by the new treaties, the Royal Siamese Government will be happy, after the ratification of the new treaties, to continue as hereto-

fore the present system of consular probate jurisdiction with respect to non-contentious matters connected with estates of pre-registered British subjects and the present practice by which consular officers deal with non-contentious matters connected with estates of post-registered British subjects in accordance with article 3 of the Treaty of 1856 until such time as a new Siamese law shall be promulgated dealing with the question of succession and probate.

I have the honour to inform you further, that it is the intention of the Royal Siamese Government to proceed with the preparation and promulgation of the new law as soon as possible.

I have, etc.,

PRABHA KARAWONGSE.

No. 4.

Mr. Austen Chamberlain to the Siamese Minister.

Foreign Office, July 14, 1925.

Sir,

His Majesty's Government are happy to think that, in signing the general and commercial treaties under which Siam obtains full jurisdictional and fiscal autonomy, they have made some contribution towards the free and prosperous development of Siam. Under the jurisdictional head, in particular, they have agreed to the arrangements embodied in the annex to the general treaty, because they are convinced that in the near future nothing short of full autonomy in these matters will be consonant with the position of Siam among civilised nations. Moreover, they feel sure that these arrangements will strengthen the ties that so happily unite the two countries.

2. The existing ties between Siam, and Great Britain are mutually advantageous in a peculiarly high degree by reason of two facts. More than 50,000 Indian British subjects pursue their avocations in Siam and contribute to the prosperity of the country. Furthermore British trade with Siam is longer established and larger in volume than that of any other country. These facts give to Anglo-Siamese relations an especially close and cordial character which His Majesty's Government are sure that the Siamese Government fully appreciate and share the desire of His Majesty's Government to preserve. His Majesty's Government therefore feel very confident that the Siamese Government are not likely to take any steps calculated to prejudice the British interests arising from these considerations.

3. His Majesty's Government, without wishing to make any suggestion which might constitute an interference in the internal affairs of Siam, or to make the grant of the rights acquired by Siam under the new treaties subject to any conditions or restrictions, feel, nevertheless, in view of the magnitude of the interests involved, that it may be useful to state frankly certain apprehensions which they entertain. They do so at this moment when a new epoch of Siamese progress is beginning, with the object of averting possible future contingencies in which Siamese as well as British interests might suffer. It is possible that by the time the new codes have

been promulgated there will not be available, either because the law school established by the Siamese Government has not been fully developed or for some other reason a sufficient supply of fully trained Siamese judges to take the places of the present European legal advisers Moreover in any case, the fact that the new codes are based on Roman law must somewhat accentuate the difficulties of dealing with the large number of commercial cases involving British interests that come before the courts The Siamese Government doubtless appreciate this position, and it therefore occurs to His Majesty s Government that they may well wish, should it be necessary in order to avoid possible future injury to the interests common to both countries for a reasonable time after the coming into force of the various codes and even if necessary, after the disappearance of the right of evocation, to continue to employ a reasonable number of European legal advisers, of whom a proportion commensurate with British interests will be of British nationality to continue to employ them in general in the same posts and in the same judicial capacities as at present and to arrange that they shall exercise their powers in the same general manner as they have hitherto done (except in so far as the termination of the 1909 treaty may result in their judgments no longer prevailing in the cases provided for under that treaty) to retain the post of judicial adviser which it will probably be impracticable to fill with a lawyer of other than British nationality and to employ as a teacher in the law school an English lawyer preferably a barrister familiar with the Indian codes

I have etc ,

AUSTEN CHAMBERLAIN

No 5

The Siamese Minister to Mr Austen Chamberlain

Siamese Legation, London July 28 1925

Sir,

The Royal Siamese Government desire to express their very sincere appreciation for the frank and friendly note of His Britannic Majesty s Government with reference to affairs in Siam under the new regime The Royal Siamese Government have taken very careful note of the matters set forth in this communication and they will endeavour in respect of the several points set out in the letter from His Britannic Majesty s Government to do everything possible to safeguard British interests in Siam so far as this can be done without injury to the interests of the Royal Siamese Government

In particular the Royal Siamese Government readily give an assurance that it is their intention not to dispense with the services of European legal advisers upon the ratification of the new treaties but to continue to employ them until such time after the promulgation of the codes as they may be convinced that the administration of justice by Siamese judges shows the further services of such European advisers to be unnecessary

The Royal Siamese Government take this opportunity of reaffirming the principle as to the use of British law in commercial cases where no Siamese law exists. Until the promulgation of the civil and commercial code they intend to continue to act upon this principle, which was expressed in the following form in the letter of the 19th May, 1909, from Mr. Westengard to Mr. Beckett :—

"Where there is no existing Siamese statute or precedent the Siamese courts administer customary law. The custom in commercial matters where there are foreign communities is generally in accordance with English principles. Therefore, Siamese courts in such cases are guided by English statutes and cases as far as circumstances admit."

I have, etc.,

PRABHA KARAWONGSE.

No. 6.

Mr. Austen Chamberlain to the Siamese Minister.

Foreign Office, August 5, 1925.

Sir,

I have the honour to inform you that I have noted with gratification the contents of the three notes complementary to the general and commercial treaties signed on the 14th ultimo between Siam and Great Britain, which you handed to me on that date, and which contain the following assurances : (1) That it is not the present intention of the Siamese Government to impose any new or increase any existing export duties on teak, tin or rice ; (2) that, when the time comes for the termination of the existence of the international or empowered courts in Siam, cases then pending before those courts to which British subjects are parties will take their usual course before the courts until such cases have been finally disposed of, and that the jurisdiction of those courts will remain in full force for this purpose ; and (3) that the Siamese Government agree to continue, after the ratification of the treaties, the present system of consular probate jurisdiction with respect to non-contentious probate matters until such time as a new Siamese law shall be promulgated dealing with the question of succession and probate and that it is their intention to proceed with the preparation and promulgation of the new law as soon as possible.

2. I have also the honour to acknowledge the receipt of your note of the 28th ultimo, in reply to the note which I handed to you at the time of signature of the treaties, in which you inform me of the intentions of the Siamese Government in regard to the matters mentioned in my note in particular the retention of the European judicial advisers, and give an assurance of the continued use of British law in commercial cases until the promulgation of the civil and commercial code.

I have, etc.,

AUSTEN CHAMBERLAIN.

No. 7.

The Siamese Minister to Mr Austen Chamberlain

Siamese Legation, London, August 12, 1925

Dear Mr Chamberlain,

Sir Sydney Chapman of the Board of Trade has called my attention to the possible ambiguity of the word 'tin' as used in my letter to you of the 14th July 1925, concerning export duties on teak, tin and rice, and has raised the question of whether the assurance contained in this letter covers export duties on tin ore as well as on tin in its other forms

I have pleasure in informing you that it is the understanding of my Government that the word 'tin' as used in this letter covers both tin and tin ore

Believe me etc,

PRABHA KAPAWONGSE

No 8

Mr Austen Chamberlain to the Siamese Minister

Foreign Office September 15, 1925

My dear Minister,

I thank you for your letter of the 12th ultimo informing me that it is the understanding of the Siamese Government that the word 'tin' used in your note of the 14th July concerning export duties on teak, tin and rice covers both tin and tin ore

I am bringing this understanding to the attention of Sir Sydney Chapman and the various Government Departments concerned

Believe me etc

AUSTEN CHAMBERLAIN

No XXV

ARBITRATION CONVENTION between GREAT BRITAIN and SIAM, 1925

(Ratified on 2nd February 1927)

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and His Majesty the King of Siam parties to the Protocol establishing the Permanent Court of International Justice, signed at Geneva on the 16th December 1920, being desirous of concluding a Convention with a view to referring to arbitration all questions which they may consider possible to submit to that mode of settlement, have appointed as their plenipotentiaries

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India; The Right Honourable Joseph Austen Chamberlain, a Member of Parliament, His Majesty's Principal Secretary of State for Foreign Affairs; and

His Majesty the King of Siam:

Phya Prabha Karawongse, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Britannic Majesty;

Who, having communicated to each other their respective full powers, found in good and true form, have agreed as follows:—

ARTICLE 1.

Differences of a legal nature which may arise between the two Contracting Parties and which it may not have been possible to settle by diplomacy, in the absence of contrary agreement shall, at the request of either Party, be referred to the Permanent Court of International Justice established by the Protocol of December 16, 1920, in accordance with the procedure laid down in the statutes of that Court and in the rules of court adopted thereunder, provided, nevertheless, that such differences do not affect the vital interests, the independence or the honour of the two Contracting Parties, and do not concern the interests of third parties. The Contracting Parties agree to accept the decision of the Court as binding

ARTICLE 2.

The present Convention, which shall be ratified, is concluded for a period of five years dating from the exchange of ratifications, which shall take place at London as soon as possible. In case neither of the two Contracting Parties shall have given notice to the other twelve months before the expiration of the said period of five years of its intention to terminate the present Convention, it shall remain in force until the expiration of one year from the date on which either of the two Contracting Parties shall have denounced it.

In witness whereof the respective plenipotentiaries have signed the present Convention and have affixed thereto their seals.

Done in duplicate in the English language at London, the 25th day of November in the nineteen hundred and twenty-fifth year of the Christian era, corresponding to the 25th day of the eighth month in the two thousand four hundred and sixty-eighth year of the Buddhist era.

AUSTEN CHAMBERLAIN.

PRABHA KARAWONGSE.

No XXVI.

NOTES exchanged between the BRITISH and SIAMESE MINISTERS ensuring an AGREEMENT ON DRAWBACKS AND THE METHOD OF COMPUTING *ad valorem* RATES under the NEW SIAMESE CUSTOMS LAW, 1926

Prince Traidos to Mr Waterlow

Bangkok, September 30, 1926

M le Ministre,

I have the honour to draw your attention to section 59 of the new Siamese Customs Law It is stipulated in the first paragraph of this section that "when goods which have paid import duty are exported the import duty shall be returned provided that the following regulations are complied with, and that proof be produced that the goods have not been sold used or manipulated in any way while in the country to make a business profit "

2 It has occurred to the Royal Government that cases may arise in which it may be necessary to give a ruling as to the proper interpretation of article 11 of the Commercial Treaty of the 14th July, 1925 between His Britannic Majesty s Government and the Royal Siamese Government which in dealing with the conditions under which the duty on re exported goods is to be returned provides that the duty shall be refunded when such goods "have not gone into consumption in Siam or been subjected there to any process" and that it might conceivably be argued that the wording of the article in question is open in important respects to a wider interpretation than is the wording of section 59 of the Customs Law setting forth the conditions which must be fulfilled if a refund of customs duty is to be obtained

3 In order, therefore, to avoid any possible misunderstanding in the future, the Royal Government would be glad to learn whether His Britannic Majesty s Government are prepared to accept the wording of section 59 of the Customs Law as correctly giving effect to article 11 of the Commercial Treaty so far as the conditions are concerned under which a refund of customs duty may be obtained

4 Similarly, the Royal Government would be glad to learn whether His Britannic Majesty's Government are prepared to accept the wording of sections 11 and 12 of the new Siamese Customs Law as providing a correct method for the determination of value and the computation of *ad valorem* duties on those articles included within articles 10 and 11 of the Commercial Treaty of the 14th July 1925

5 I have the honour to add that it is not suggested that the special arrangement in force as regards the refund of duty on gunny bags should be affected in the event of His Britannic Majesty s Government returning a favourable reply to the question asked in paragraph 3 above As regards the drawback on these articles the Royal Government assume that His Britannic Majesty s Government do not desire any alteration in the existing exceptional and amicable arrange-

ment obtaining between the Royal Government and the mercantile community, which is understood to be as follows:—

Drawback on duty is allowed to the importer on all gunny bags which are exported within two years from the date of importation, filled or unfilled, by the importer or the vendee from the importer. The Royal Government propose, if that assumption is correct, that the arrangement in question should continue to be regarded as holding good until the import duty on gunnies is abolished or reduced to a figure not exceeding 1 per cent. *ad valorem*.

6. In conclusion, I have the honour to suggest that, if the above proposals should commend themselves to Your Excellency's Government, it may be unnecessary to take steps to implement article 12 of the Commercial Treaty, which contemplates the conclusion of a Supplementary Convention between Great Britain and Siam before the 30th September 1926.

I avail, etc.,

TRAIDOS,

Minister for Foreign Affairs.

Mr. Waterlow to Prince Traidos.

Bangkok, September 30, 1926.

M. le Ministre,

I have referred to my Government the various points raised in the note which Your Highness was so good as to address to me on the 30th instant, and under instructions from His Majesty's Principal Secretary of State for Foreign Affairs, I now have the honour to make to you the following communication.

2. His Majesty's Government have received with satisfaction the proposal, contained in paragraph 5 of Your Highness' note, as to the continuance of the existing arrangement as regards the drawback on gunny bags. This proposal is entirely agreeable to them, and on the understanding that the arrangement in question will, as indicated, not be revoked before the duty on gunny bags is reduced to a figure not exceeding 1 per cent. *ad valorem* or abolished, I am instructed, in reply to the question asked in paragraph 3 of Your Highness' note, to inform you that His Majesty's Government do not intend to question the wording of section 59 of the new Siamese Customs Law, and that they accept it as correctly giving effect to article 11 of the Commercial Treaty of the 14th July, 1925, between Siam and Great Britain as regards the conditions under which the refund of import duty is to be granted.

3. I have the honour to add that, on the same understanding as that mentioned in the preceding paragraph, His Britannic Majesty's Government also accept sections 11 and 12 of the new Siamese Customs Law as providing a correct method for the determination of value and the computation of *ad valorem* duties on those articles included within articles 10 and 11 of the Commercial Treaty of the 14th July, 1925.

4 It is suggested in paragraph 6 of Your Highness note that the present exchange of notes on the above points may make it unnecessary to implement article 12 of the Commercial Treaty, which contemplates the conclusion of a Supplementary Convention between Siam and Great Britain not later than the 30th September 1926 My Government are prepared to acquiesce in this suggestion also, provided that the Royal Government on their side are prepared to assure His Britannic Majesty s Government that, if they should at any time desire under the terms of article 10 of the Commercial Treaty of the 14th July 1925 to impose specific duties or to convert into specific duties the *ad valorem* duties (not to exceed 5 per cent), they will, before proceeding to do so consult with His Britannic Majesty's Government as to the method of calculating such specific rates

I avail, etc ,

S P WATERLOW

Prince Traidos to Mr Waterlow

M le Ministre, *Bangkok, September 30 1926*

I have the honour to acknowledge the receipt of your note of the 30th instant informing me that, on the understanding that the present arrangement as regards refund of duty on gunny bags will not be revoked before the duty is reduced to a figure not exceeding 1 per cent *ad valorem* or abolished His Britannic Majesty s Government accept the wording of section 59 of the Siamese Customs Law as correctly giving effect to article 11 of the Commercial Treaty of the 14th July 1925 between Great Britain and Siam and also accept sections 11 and 12 of the new Siamese Customs Law as providing a correct method for the determination of value and the computation of *ad valorem* duties The Royal Government have noted these assurances with satisfaction

2 As regards the point raised in paragraph 4 of Your Excellency s note the Royal Government have no hesitation in assuring His Britannic Majesty s Government that they will consult with them beforehand as to the method of calculating specific rates, should they at any time desire under the terms of paragraph 3 of article 10 of the Commercial Treaty of the 14th July 1925 to impose specific duties or to convert into specific duties the *ad valorem* duties (not to exceed 5 per cent) The Royal Government therefore assumes in agreement with His Britannic Majesty's Government, that there will be no need to proceed to the negotiation of a Supplementary Convention as contemplated in article 12 of the Commercial Treaty

I avail, etc

TRAIDOS,

Minister for Foreign Affairs

No. XXVII.

NOTES exchanged between the BRITISH and SIAMESE GOVERNMENTS regarding the accession of INDIA to certain Articles of the Anglo-Siamese General and Commercial Treaties of 1925,—1928.

Mr. Waterlow to Prince Traidos.

M. le Ministre, *Bangkok, March 5, 1928.*

I have the honour, in accordance with article 9 of the General Treaty of the 14th July, 1925, between Great Britain and Siam, and in accordance with article 31 of the Treaty of Commerce and Navigation of the same date between Great Britain and Siam, to inform your Highness that my Government desire that the stipulations of articles 2, 3 and 4 of the General Treaty and the stipulations of the Treaty of Commerce and Navigation shall apply to India.

2. I am instructed to add that this communication is subject to the following reservations: Firstly, that the privileges granted by the said treaties in their application to any State in India shall be subject to such modifications as are necessitated by the laws and regulations in force in any such State or by reason of the legitimate exercise of the powers inherent in the ruler of any such State; and, secondly, that the right to appoint consular officers or consular agents under article 27 of the Treaty of Commerce and Navigation shall be restricted to seaport towns in British India.

3. I am informed by my Government that the term "privileges" covers all the advantages conferred by the treaties, and that under the first of the above reservations Siamese nationals in Indian States shall enjoy the rights of British subjects, but not those of British-protected persons; and, further, that Calcutta, Rangoon and Moulmein are all regarded as seaport towns in British India, and that it is the policy of the Government of India to agree to the appointment of consular officers at seaports only.

4. I shall be glad to learn whether the Royal Siamese Government accept these reservations as thus interpreted.

I avail, etc.,

S. P. WATERLOW.

Mr. Waterlow to Prince Traidos.

M. le Ministre, *Bangkok, March 6, 1928.*

I have the honour to refer to my note of yesterday's date concerning the desire of my Government that the stipulations of articles 2, 3 and 4 of the General Treaty and the stipulations of the Treaty of Commerce and Navigation should apply to India, subject to certain reservations.

In further explanation of the reservations, I am authorised to say—

1 That the term "British subject" includes both Europeans and Asiatics, and that no discrimination is made against the latter as regards all privileges for which the treaties provide.

2 That it is the intention of the Government of India normally to suggest similar reservations in future before acceding to similar treaties with either European or other countries

I avail, etc

S P WATERLOW

Prince Traidos to Mr Waterlow

Ministry for Foreign Affairs,

M le Ministre, *March 10, 1928*

I have the honour to acknowledge the receipt of your letter of the 5th instant informing me that your Government, in accordance with article 9 of the General Treaty of the 14th July, 1925, between Great Britain and Siam, and in accordance with article 34 of the Treaty of Commerce and Navigation of the same date between Great Britain and Siam, desire that the stipulations of articles 2 3 and 4 of the General Treaty and the stipulations of the Treaty of Commerce and Navigation shall apply to India, subject to certain reservations as set forth therein and as further explained in your supplementary note of the 6th instant

I am glad to inform your Excellency that His Majesty's Government sees no objections to the reservations as thus interpreted, and therefore accepts them

I avail, &c

TRAIDOS,
Minister for Foreign Affairs

APPENDICES.

EASTERN TURKISTAN

APPENDIX No 1.

Extracts from the TREATY of Peace, FRIENDSHIP, COMMERCE and NAVIGATION between HER MAJESTY the QUEEN of GREAT BRITAIN and IRELAND and the EMPEROR of CHINA, signed at Tientsin, 26th June 1858, ratification exchanged at Peking, 24th October 1860

ARTICLE VII

Her Majesty the Queen may appoint one or more Consuls in the dominions of the Emperor of China, and such Consul or Consuls shall be at liberty to reside in any of the open ports or cities of China, as Her Majesty the Queen may consider most expedient for the interests of British commerce They shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular Officers of the most favoured nation

Consuls and Vice Consuls in charge shall rank with Intendants of Circuits, Vice Consuls Acting Vice Consuls, and Interpreters, with Prefects They shall have access to the official residences of these officers, and communicate with them, either personally or in writing, on a footing of equality as the interests of the public service may require

ARTICLE VIII

The Christian religion, as professed by Protestants or Roman Catholics inculcates the practice of virtue, and teaches man to do as he would be done by Persons teaching it or professing it therefore, shall alike be entitled to the protection of the Chinese authorities, nor shall any such, peaceably pursuing their calling, and not offending against the laws, be persecuted or interfered with

*

ARTICLE IX

British subjects are hereby authorized to travel, for pleasure or for purposes of trade, to all parts of the interior, under passports which will be issued by their Consuls, and countersigned by the local authorities These passports, if demanded, must be produced for examination in the localities passed through If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels for the carriage of his baggage or merchandise If he be without a passport or if he commit any offence against the law, he shall be handed over to the nearest Consul for punishment, but he must not be subjected to any ill usage in excess of necessary restraint No passport need be applied for by persons going on excursions from the ports open to trade to a distance not exceeding 100 li, and for a period not exceeding five days

* * * * * *

ARTICLE XII.

British subjects, whether at the ports or at other places, desiring to build or open houses, warehouses, churches, hospitals, or burial-grounds, shall make their agreement for the land or buildings they require at the rates prevailing among the people, equitably, and without exaction on either side.

ARTICLE XIII.

The Chinese Government will place no restrictions whatever upon the employment, by British subjects, of Chinese subjects in any lawful capacity.

*   *   *   *   *   *

ARTICLE XV.

All questions in regard to rights, whether of property or person, arising between British subjects, shall be subject to the jurisdiction of the British authorities.

ARTICLE XVI.

Chinese subjects who may be guilty of any criminal act towards British subjects shall be arrested and punished by the Chinese authorities, according to the laws of China.

British subjects, who may commit any crime in China, shall be tried and punished by the Consul, or other public functionary authorized thereto, according to the laws of Great Britain.

Justice shall be equitably and impartially administered on both sides.

ARTICLE XVII.

A British subject having reason to complain of a Chinese must proceed to the Consulate and state his grievance. The Consul will inquire into the merits of the case, and do his utmost to arrange it amicably. In like manner, if a Chinese have reason to complain of a British subject, the Consul shall no less listen to his complaint, and endeavour to settle it in a friendly manner. If disputes take place of such a nature that the Consul cannot arrange them amicably, then he shall request the assistance of the Chinese authorities that they may together examine into the merits of the case, and decide it equitably.

ARTICLE XVIII.

The Chinese authorities shall at all times afford the fullest protection to the persons and property of British subjects whenever these shall have been subjected to insult or violence. In all cases of incendiarism or robbery, the local authorities shall at once take the necessary steps for the recovery of the stolen property, the suppression of disorder, and the arrest of the guilty parties, whom they will punish according to law.

*   *   *   *   *   *

ARTICLE XXII

Should any Chinese subject fail to discharge debts incurred to a British subject or should he fraudulently abscond the Chinese authorities will do their utmost to effect his arrest and enforce recovery of the debts The British authorities will likewise do their utmost to bring to justice any British subject fraudulently absconding or failing to discharge debts incurred by him to a Chinese subject

* * * * * *

ARTICLE XXIV

It is agreed that British subjects shall pay on all merchandise imported or exported by them, the duties prescribed by the tariff, but in no case shall they be called upon to pay other or higher duties than are required of the subjects of any other foreign nation

ARTICLE XXV

Import duties shall be considered payable on the landing of the goods and duties of export on the shipment of the same

* * * * * *

ARTICLE XXVII

It is agreed that either of the High Contracting Parties to this Treaty may demand a further revision of the Tariff and of the Commercial Articles of this Treaty, at the end of ten years but if no demand be made on either side within six months after the end of the first ten years then the tariff shall remain in force for ten years more reckoned from the end of the preceding ten years and so it shall be at the end of each successive ten years

ARTICLE XXVIII

Whereas it was agreed in Article X of the Treaty of Nanking that British imports having paid the tariff duties should be conveyed into the interior free of all further charges except a transit duty the amount whereof was not to exceed a certain percentage on tariff value and whereas no accurate information having been furnished of the amount of such duty British merchants have constantly complained that charges are suddenly and arbitrarily imposed by the provincial authorities as transit duties upon produce on its way to the foreign market and on imports on their way into the interior to the detriment of trade, it is agreed that within four months from the signing of this Treaty at all ports now open to British trade and within a similar period at all ports that may hereafter be opened the authority appointed to superintend the collection of duties shall be obliged upon application of the Consul to declare the amount of duties leviable on produce between the place of production and the port of shipment, and upon imports between the Consular port in question and the inland markets named by

the Consul; and that a notification thereof shall be published in English and Chinese for general information.

But it shall be at the option of any British subject, desiring to convey produce purchased inland to a port, or to convey imports from a port to an inland market, to clear his goods of all transit duties, by payment of a single charge. The amount of this charge shall be leviable on exports at the first barrier they may have to pass, or, on imports, at the port at which they are landed; and on payment thereof, a certificate shall be issued, which shall exempt the goods from all further inland charges whatsoever.

It is further agreed that the amount of this charge shall be calculated, as nearly as possible, at the rate of two and a half per cent. *ad valorem,* and that it shall be fixed for each article at the Conference to be held at Shanghai for the revision of the Tariff.

It is distinctly understood that the payment of transit dues, by commutation or otherwise, shall in no way affect the tariff duties on imports or exports, which will continue to be levied separately and in full.

* * * * * *

ARTICLE LIV.

The British Government and its subjects are hereby confirmed in all privileges, immunities, and advantages conferred on them by previous Treaties; and it is hereby expressly stipulated, that the British Government and its subjects will be allowed free and equal participation in all privileges, immunities and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China to the Government or subjects of any other nations.

SIAM

APPENDIX No I

ROYAL DECREE of the KING of SIAM under the Treaty of 1883

Dated the 9th January 1885

Phrabat Somdetch Phra Paramindr Maha *Chulalonkorn* Patindr Debia Maha Mongkut Purnsiaratne Rajarawiwongse Warutmabongse Paribat Warakhattiara jamkarotama Chaturantapirama Maha Chakrabartirajatangkas Paramadharmika Maharajadhiraja Paramanarth Pabitr Phara Chula Chom Klow King of Siam fifth Sovereign of the present Royal Dynasty which founded the City Ratne Kosindr Mahendr Ayudhya at Bangkok, the great Capital of the Dominions of Siam both Northern and Southern Suzerain of Loas Chiang and Loas Kow Malayan and Karean Dependencies etc, etc, etc having ascended the throne in the Royal Audience Hall Chakree Maha Prasad Borom Raj Piman in the Royal Palace the Royal Princes the Ministers of State Councillors men of high legal and scientific knowledge and officers of the Civil and Military Departments being assembled in Audience His Majesty graciously signified His pleasure that—

Whereas a new Convention has been made between Siam and Great Britain with a view to promote trade and commerce in the Province of Chiengmai [illegible] and Lampoonchi and with a view to reorganize the mode of legal procedure [illegible] cases between Loas and foreigners it therefore pleased His Majesty to appoint further Judges for the International Court at Chiengmai in addition to th[illegible] already there *whose duty it shall be to examine all such cases in order that th[illegible]* Royal Commissioner previously appointed may give his attention to the [illegible] and settlement of subjects connected with foreign countries in conjunction with the Consul or Vice Consul in Chiengmai and it pleased His Majesty to c[illegible] that His Royal Highness Krom Phra Bimrap Parapax Simuha N[illegible] consult with the Royal Judges (Luk Khun Sala and Luk Khun Sin L[illegible] establish laws for the guidance of the Royal Commissioner and Jud[illegible] the use of the Loas Courts in Chiengmai *as follows* —

Article 1st —All matters connected with the subjects and citizens of f[illegible] countries which have treaty relations with Siam which may aris[illegible] part of *the three Northern States* of Siam namely Chien[illegible]mai Lakon and Lamp[illegible] shall be under the supervision of the Royal Commissioner for Foreign Affairs sho[illegible] appointed by His Majesty the King for this purpose

Article 2nd —All matters connected with the subjects and citizens of foreign countries having treaty relations with Siam and the three Northern States [illegible] there shall be an order or authorization from the Royal Commissioner for Foreign Affairs for the said State or a despatch bearing the Phra Ra[illegible] seal authorizing the same shall not be administered or interfered with in any manner by any Prince or Chief or officer or person of any rank whatever If any one shall meddle with such matters whether his action is right or wrong he shall be adjudged

as having done wrong, and all such actions shall be considered as null and void, and will not be considered as having any official force whatever.

Article 3rd.—The Royal Commissioner for Foreign Affairs is invested with full power to compel the various departments of the three States of Chiengmai, Lakon and Lampoonchi to do whatever is just and in keeping with their official duties with a view to regulate and control all foreign affairs in his department. All the officers of the various departments shall give heed to and obey his instructions. If, however, such instructions are unjust and not consistent with duty to Government, let the officers and provincial authorities hasten to report the matter to Bangkok and the Minister of the North has power to set aside and annul such improper orders and actions of the Royal Commissioner.

Article 4th.—The Royal Commissioner for Foreign Affairs shall appoint officers to perform the various duties necessary for the effectual carrying out of the provisions of the Treaty, and it shall always be the duty of the Royal Commissioner to explain the meaning of the Treaty and the law and what is just and suitable for the information of the various Princes, Chiefs and officers, and if any difficulties shall arise in regard to any official matter in his department or outside of it and the Chiefs and officers concerned shall come to ask his opinion on the subject or to receive his orders, it shall be his duty to give them his advice, assistance and instructions whenever requested. He shall not offer objections or postpone or neglect the matter nor fail to use his best endeavours to render them such assistance.

Article 5th.—It shall be the duty of the Royal Commissioner to make arrangements and regulations and establish stations for the purpose of being accurately informed at all times with regard to the number and nationality of foreigners from friendly nations who enter the States under his jurisdiction, and as to where they are, and to take proper precautions to prevent others falsely passing themselves off as such. If there is any reason for suspicion, it shall be his duty to make proper investigations and representations regarding the matter, and it shall be the duty of the Royal Commissioner to issue proper passports to people to travel or trade in foreign countries.

Article 6th.—It shall be the duty of the Royal Commissioner to exercise a watchful care to prevent an unlawful or improper collection of taxes or obstruction of trade. Whenever any new tax is to be collected or if any change is to be made in the tariff of taxes, the rulers of the country shall consult with the Royal Commissioner who shall examine the matter with care and not suffer anything to be done contrary to the treaties or allow any obstruction to trade or unreasonable exactions to be established which will be a cause of hindrance to trade. The method of collecting taxes shall not be allowed to be such as to cause unnecessary difficulties to the people and to traders as that they cannot have reasonable advantages. When such matters have been agreed upon, it shall be the duty of the Royal Commissioner to publish the same accurately and properly.

Article 7th.—It shall be the duty of the Royal Commissioner to supervise and direct that the authorities of the Krom Mu'ang Department shall establish a proper police force to guard the frontier of the country, that there may be no carelessness

and neglect of duty in this respect, and further he has full power to devise means to prevent crime and to bring criminals to justice who are in any way connected with the subjects and citizens of friendly nations If any persons guilty of committing any of the crimes mentioned in the extradition laws shall escape from the territory of a friendly power into any of the three States, or if any such person shall escape into the territory of a friendly power, it shall be the duty of the Royal Commissioner to take suitable action for the extradition of such offenders according to the extradition laws dated 13th July 1885, and that the interests of both countries may not be allowed to suffer

Article 8th —The Royal Commissioner shall be the chief of the Forest Department of the three Northern States of Siam, and in like manner, as the chief of the Forest Department in Bangkok, he shall exercise full authority in superintending and administering all matters connected with the forest according to the regulations at the time in force, but he shall be under the instructions of the authorities in Bangkok Whatever action he shall take or if he shall experience any difficulties, he shall report them to the chief of the Forest Department in Bangkok on every occasion

Article 9th —All law suits in which foreign subjects are parties either as plaintiffs or defendants, shall be heard and determined only in the International Court at Chiengmai which His Majesty has been pleased to establish the sole Court for the hearing of all such cases, and if any such cases as aforementioned shall arise and it shall be necessary to investigate and decide them in Lakon or Lampoonchi or in any other State, the Royal Commissioner, after receipt of a *Thongkra* from Bangkok giving special authorization in the particular case, is at liberty to try the case civilly or criminally in Chiengmai or in such other State as he shall think fit in accordance with the laws of Siam

Article 10th —In the examination of cases or of witnesses in this Court the use of ordeal by diving under water or by walking through fire etc and investigation by means of flogging the head screw, the thumb screw, and the other means prescribed by the criminal procedure law, inflicting punishment in cases of suspicion or slighter doubt, when the actual truth is not ascertained are not permitted in the practice of the Court

Article 11th —In the examination of criminal cases, if it does not appear from the evidence given by witnesses taken from the common people that the accused parties are guilty, and if there is still ground for suspecting the accused let them give proper securities and then set them at liberty

Article 12th —All cases to be tried in this Court in which either of the parties, without reference to his rank or position shall duly and in legal form appoint an attorney to represent him, or in case either of the parties is at a distance from the Court and shall go before a Local Magistrate and make out a power of attorney in due form and pay the established fee, the Court shall allow such attorneys to appear instead of their clients

Article 13th —In the investigation of all cases in which a foreign subject is a defendant or in which both parties are foreign subjects the Consul or Vice Consul

of the party or parties shall be allowed to attend the hearing of the case and be informed of all the proceedings according to the Treaty. And if the Consul or Vice-Consul shall consider the proceedings of the Judge unjust, he may make note of any suggestions or objections in writing to the Judge, and the Judge shall consider whether such objections are in accordance with law and justice, and, in case the Judge does not approve of them, he shall note his reasons in writing except as hereinafter provided, and he shall proceed with the case to the end and shall decide the case according to law.

Article 14th.—Any case in which foreign subjects are defendants or in which both parties are foreign subjects, if their Consul shall disagree with the opinion of the Judge as mentioned in the foregoing article, and they shall not be able to come to an agreement on the subject, if the Consul shall make out a requisition to the Judge that the case be referred to his Court for trial, let the Judge deliver the case up to him according to the Treaty. All cases besides those mentioned herein shall be determined in the International Court alone.

Article 15th.—There cannot be any appeal to Bangkok in any case before judgment is given, but if the parties object to any order of the Judge, they may enter a protest and the Judge shall record such protest and the Judge shall have his own answer to every such protest recorded as well. In case the parties make such objections and the Judge shall refuse to receive them, let the parties report the matter to the Royal Commissioner. After judgment is given, if either of the parties shall desire to appeal to Bangkok, the following form shall be observed.

Article 16th.—It shall be the duty of the Royal Commissioner to have an oversight of the chief Judge and inferior Judges who have been appointed by His Gracious Majesty to try cases connected with foreign subjects in the three Northern States, in connection with the Judges appointed in those States, in order that they may administer justice. If either the plaintiff or defendant in any case is dissatisfied with the decision or the order of any Judge on any point, and desires to appeal the case to Bangkok he shall lodge a notice of appeal within 15 days after the decision has been given, and in accordance with the Treaty he must first ask the sanction and consent of the Commissioner, and the Commissioner shall enquire into the matter, and in case he finds there is suitable ground for appeal he shall allow the appeal to be made. But if the Royal Commissioner shall find that the object is simply to cause delay and to avoid the judgment, he shall enforce the judgment before allowing the appeal to be made. In any case in which the Judges have received notice of an appeal, and the Commissioner shall consider that the appeal should be allowed, he shall forward a transcript of all the proceedings in the case to Bangkok. But the Commissioner cannot receive or try any appeal against the decision of the Judges or set aside or overthrow the decision of the Judges except in case he shall receive instructions to that effect from Bangkok. If the Judges shall act contrary to law or justice in any matter of great or small importance, let the Commissioner without fail report the matter to Bangkok without delay.

That Article 13 be annulled and the following substituted for it:—

In the investigation of all cases in which a British subject is a party or in which both parties are British subjects, the Consul or Vice-Consul is entitled according to the Treaty to be present at the hearing, and to be furnished with copies of the proceedings, which, when the defendant or accused is a British subject, shall be supplied free of charge, and to make any suggestions to the Judge or Judges which he may think proper in the interests of justice. Such copies shall be furnished from time to time as the Consul or Vice-Consul may request.

The judgment shall be communicated to the Consul or Vice-Consul in draft form before its delivery in Court, in cases where the defendant or both parties are British subjects, and in other cases the judgment shall not be delivered except in the presence of the Consul or Vice-Consul, unless he shall have had due notice beforehand.

That the following be substituted for Article 14:—

The Consul or Vice-Consul has power under the Treaty at any time before judgment, if he thinks proper in the interests of justice, by a written requisition under his hand, directed to the Judge or Judges to signify his desire that any cases in which both parties are British subjects be transferred for adjudication to the British Consular Court. If therefore the Consul or Vice-Consul shall make a requisition to the Judge or Judges as provided by Treaty, let them hand over the case to him.

In Article 15 omit the words:—In case the parties make such objections and the Judge shall refuse to receive them, let the parties report the matter to the Royal Commissioner.

For Article 16, substitute the following:—

In civil and criminal cases in which British subjects may be parties in the International Court either party is entitled to appeal to Bangkok; if a British subject with the sanction and consent of the British Consul or Vice-Consul, and in other cases by leave of the Judge or Judges who shall have tried the case.

Pending the result of this appeal, the judgment of the Court at Chiengmai shall be suspended on such terms and conditions (if any) as shall be agreed upon between the said Judge or Judges and the Consul or Vice-Consul.

Rules of appeal which have been agreed upon between His Majesty's Minister for Foreign Affairs and Her Britannic Majesty's Minister Resident are hereto annexed, and will be binding upon parties wishing to appeal.

This Decree given on Thursday, the 7th waxing of the 6th month of the year Kun 1249 of the Siamese astronomical era in the 20th year of His Majesty's Reign corresponding to 28th April 1887.

By His Majesty's Command,

DEVAWONGSE VAROPRAKAR.

INDEX.

A

B

C

D

E

F

G

H

I

J

K

L

INDEX

M

T

U

V

W

Y

Z

MGIPC—L—VI-8—20-9-29—635.